

## INTRADEPARTMENTAL CORRESPONDENCE

June 3, 2020  
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**TO:** The Honorable Board of Police Commissioners

**FROM:** Chief of Police

**SUBJECT:** OFFICER INVOLVED SHOOTING NO. 039-19

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Honorable Members:

The following is my review, analysis, and findings for Officer Involved Shooting (OIS), Force Investigation Division (FID) No. 039-19. A Use of Force Review Board (UOFRB) was convened on this matter on May 13, 2020. I have reviewed and adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

### SUMMARY<sup>1</sup>

On August 14, 2019, at approximately 1743 hours, Communication Division (CD) broadcast, "Pacific Units and 14X16, 14X16, screaming man, Thornton and Pacific, between Pacific and Speedway in the alley off of Thornton, Code-3, Incident 190814005092, in RD 1412."

**Note:** The FID investigation determined the location of the radio call was within the Venice Beach Community and was approximately two blocks east of the beach. Thornton Court ran east/west and resembled an alleyway.

The original radio call was assigned to Officers A. Gonzalez, Serial No. 40214, and C. Castro, Serial No. 42392, Pacific Patrol Division, Unit 14X16; however, Officers D. Antalek, Serial No. 42536 (driver) and A. Robles, Serial No. 43260 (passenger), Pacific Area, Venice Beach Detail (VBD), Unit 14FB2, advised CD that they would handle the radio call due to their closer proximity to the location of the call<sup>2</sup> **[Additional Tactical Debrief Topics – Required Equipment, Additional/Equipment – Body Worn Video (BWV) Activations and Required Equipment]**.

According to Officer Robles, he and Officer Antalek had worked one prior shift together as partners and previously discussed *tactics*, *contact* and *cover* roles, *less-lethal options* and use of force scenarios. After hearing CD broadcast the radio call and while walking to their patrol vehicle before going enroute to the call, Officer Antalek advised Officer Robles that Officer

<sup>1</sup> The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

<sup>2</sup> Officers Antalek and Robles were in full police uniform, driving a marked black and white police vehicle.

Robles would be *cover* and the *less-lethal* officer and Officer Antalek would be *contact* and the designated *lethal* officer. While enroute to the location of the radio call Officer Robles read the comments of the call on his police vehicle's Mobile Digital Computer (MDC), which stated, "male black, shirtless, screaming in the alleyway."

According to Officer Antalek, he and Officer Robles, conducted both *traffic* and *ped stops* throughout their shift and previously discussed *tactics*, contact and cover roles and *use of force* scenarios. Officer Antalek stated that he would be the designated *lethal* officer if necessary and Officer Robles would be the *less-lethal* officer. While enroute to the radio call, Officers Antalek and Robles did not discuss tactics or contact and cover roles "because the comments of the call was just a screaming man" and due to their Code Three response they quickly arrived at scene.

Upon arrival to the location, Officer Antalek saw a male, later identified as J. Penny, standing "close to the street by the sidewalk with a beer bottle in his hand yelling," which caused Officer Antalek to believe Penny may be the subject of the radio call. As Officer Antalek turned his police vehicle into the driveway leading to Thornton Court, Penny approached the driver's side of Officer Antalek's police vehicle. Officer Antalek advised Penny to *get back, get back*. Officer Antalek negotiated a three-point turn and pulled along the west curb of Pacific Avenue, just south of Thornton Court and Penny followed his police vehicle on foot. As Officer Antalek exited his police vehicle, he observed that Penny had *a glass beer bottle in his right hand and a padlock in his left hand*.

The FID investigation revealed that at approximately 1748 hours, Officer Robles went Code Six via his MDC. As Officer Antalek positioned the police vehicle, Officer Robles noted that Penny was holding a glass beer bottle in his hand and advised Officer Antalek of his observations. As Penny approached the passenger side of their police vehicle, Officer Robles partially rolled down his window and gave Penny commands to back away from their police vehicle (**Additional Tactical Debrief Topic – Tactical Vehicle Deployment**).

According to the FID investigation, Officer Antalek exited the police vehicle first to divert Penny's attention away from the police vehicle to allow Officer Robles to safely exit. As Officer Robles exited the police vehicle, his Body Worn Video (BWV) captured Penny state, "Hey, you get to kill me today." Body Worn Video also captured Penny holding both a glass beer bottle and padlock in his right hand. Officer Antalek ordered Penny to put the glass beer bottle down multiple times, but Penny did not comply with Officer Antalek's commands. Instead, Penny replied, "No, 'cause as soon as I do, you're going to tell me I'm arrested, right?" Officer Antalek replied, "No" and advised Penny that they just wanted to speak with him. Officer Antalek directed Officer Robles to request an additional unit and a supervisor (**Additional Tactical Debrief Topic – Back-Up vs. Additional Unit Request**).<sup>3</sup>

**Note:** The FID investigation determined that during the additional unit broadcast, Officer Robles did not advise the responding units that Penny was armed with a glass bottle.

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<sup>3</sup> The FID investigation determined that at approximately 1749:35 hours, Officer Robles, utilizing his police hand-held police radio, requested an additional unit and a supervisor.

Sergeant S. Azmy, Serial No. 40667, and Officer M. Lara, Serial No. 42238, Pacific Area, VBD, heard the broadcast and advised CD that they would respond to Officer Robles' request **(Additional Tactical Debrief Topic – Tactical Communication and Required Equipment)**.

According to Officer Lara, he responded to the location in Sergeant Azmy's police vehicle to ensure a quicker response time and also to prevent blocking traffic with an additional police vehicle on the narrow Venice Beach streets.

Officers E. Gonzalez, Serial No. 41642 and S. Poursaleh, Serial No. 43545, Pacific Area, VBD, advised CD they were also responding to the additional unit request **[Additional/Equipment – Body Worn Video (BWV) Activations]**.

According to Officer Antalek he continued to verbalize with Penny and ordered Penny to *drop the glass bottle and padlock*, but Penny did not comply. Penny turned away from Officers Antalek and Robles and walked west on Thornton Court. Penny yelled incoherently and swung the glass bottle and padlock back and forth above his head. Officer Antalek observed community members standing on Thornton Court and directed them to *go inside* their residence for their safety. Officer Antalek wanted prevent Penny from making it to the beach, where there was heavy pedestrian traffic so Officers Antalek and Robles followed on foot slowly behind Penny. Officer Antalek stated he thought of the incident was, "So we're only a block...a block or two from the beach. I didn't want him to go on the beach and do anything there, hurt anybody, hurt the guys that were...the civilians that were on Thornton. So just having him focus on me, come towards us."

Officer Antalek walked along the north side of Thornton Court while Officer Robles walked along the south side. Penny soon after turned around and began to walk east towards Officer Antalek. Officer Antalek unholstered his TASER, stepped back and stated, "Hey, put the bottle down, put the bottle down. I'll tase you." Penny replied, "Don't follow me! You'll tase me? You think that hurts?" and walked past Officer Antalek **(Debriefing Point No. 1)**.

The FID investigation determined that as Officer Antalek unholstered his TASER, Officer Robles unholstered his service pistol.

According to Officer Robles, he observed Penny *holding a glass bottle*, and *acting irate*. Officer Robles heard Officer Antalek tell Penny to put the bottle down and to back up. As Penny began to *walk towards* Officer Antalek, Officer Robles drew his service pistol and held it in a two-handed, low-ready shooting position, with the muzzle pointed in a northwesterly direction, towards Penny. Officer Robles believed that Penny was close enough to Officer Antalek to cause injury if he threw the glass bottle **(Drawing/Exhibiting)**.

According to the FID investigation, Penny then walked west on Thornton Court and proceeded to pace back and forth. Once Penny backed away from Officer Antalek, Officer Robles holstered his service pistol. Officer Antalek continued giving commands to Penny to drop the bottle and directed Officer Robles to request a back-up.

According to Officer Robles, he broadcast a back-up request and retrieved a 40mm Less-Lethal Launcher (LLL) from his police vehicle. Officer Robles loaded the 40mm LLL, holding it in a two-hand shooting position and pointed the muzzle in a westerly direction towards Penny. Officer Robles then ordered Penny to, "Put that shit down." While still holding the glass bottle in his right hand, Penny retrieved a cardboard box from a nearby trash bin. Officers Antalek and Robles ordered Penny to put down the box, but Penny did not comply. Penny threw the box in Officer Robles' direction and walked towards Officer Robles with the glass bottle in his right hand at waist level.

According to Officer Antalek, he observed Penny throw a *box* at Officer Robles and was armed with a glass *bottle in his right* hand. Officer Antalek, believing Penny was going to hit his partner with the glass bottle, aimed the TASER at Penny's naval area and discharged the TASER from an estimated distance of *ten to twelve feet*. The TASER was ineffective against Penny. Officer Antalek removed the TASER cartridge from the weapon system in the event that a "drive-stun" was necessary, and then holstered his TASER [**Additional Tactical Debrief Topic – TASER Deployment (Canted) and Less-lethal Use of Force**].<sup>4</sup>

The FID investigation determined that as Officers Antalek and Robles waited for additional units to arrive at scene, they redeployed to a position of cover. Officer Antalek positioned himself behind a brick wall on the north side of Thornton Court, while Officer Robles positioned himself behind a metal security gate on the south side. Officer Antalek feared that Penny was going to throw the bottle at Officer Robles; therefore, he directed Officer Robles to discharge the 40mm LLL if Penny approached him again.

The FID investigation determined that at approximately 1752 hours Officers B. Spraggins, Serial No. 42998, and J. Concetti, Serial No. 42332, Pacific Area, VBD, arrived at the scene of the back-up request and parked their police vehicle on Pacific Avenue, just south of Officer Antalek's police vehicle. As Officers Concetti and Spraggins exited their police vehicle, Sergeant Azmy and Officer Lara arrived at scene and Officer Lara notified CD that both he and Sergeant Azmy were Code Six. Sergeant Azmy approached Officer Antalek and asked, "What do we have?" Before Officer Antalek responded, Sergeant Azmy assigned Officer Antalek as the designated cover/lethal officer. Sergeant Azmy reiterated to Officer Antalek that he was the Designated Cover Officer (DCO) and Officer Antalek acknowledged his assignment (**Additional Tactical Debrief Topics – Required Equipment**).

According to Officer Concetti, he and Officer Spraggins had been regular assigned partners for approximately four deployment periods and had previously spoken about contact and cover roles. Officer Concetti stated that the driver officer would be the contact officer and the passenger officer would be cover and also the designated lethal officer. Officer Concetti stated that these roles changed depending on the situation.

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<sup>4</sup> The FID investigation was unable to determine if Penny was struck by the TASER probes.

According to Officer Spraggins, he and Officer Concetti had been regular assigned partners for approximately four months and at the beginning of each shift they discussed who would be contact and who would be cover.

According to Officer Antalek, he had previously activated his TASER in an effort to de-escalate the situation, however it was ineffective against Penny. Officer Robles had deployed the 40mm LLL and Officer Antalek assumed the role of the lethal cover officer. Officer Antalek believed *the situation may escalate to the point where deadly force may be justified* due to Penny's actions of throwing a box at Officer Robles and being armed with a glass bottle. Officer Antalek drew his service pistol, which he held in his right hand, with the muzzle pointed towards the ground **(Drawing/Exhibiting)**.

According to the FID investigation, Officer Antalek walked backward (east) towards Sergeant Azmy and advised Sergeant Azmy that he had discharged the TASER at Penny due to Penny throwing a box at them and approaching them while armed with a glass bottle. Officer Spraggins exited his police vehicle and positioned himself with Officer Robles. Officer Concetti exited his police vehicle and stood in the street on Pacific Avenue, behind Officer Antalek's vehicle. Officer Antalek advised Officers Spraggins and Concetti that he already discharged his TASER at Penny. Officer Spraggins observed that Penny was holding a glass bottle in a raised, *overhead position*, as if he intended to *throw* or strike someone with it. Officer Spraggins believed *there was a substantial risk and the situation could escalate to the point where deadly force may be justified* and drew his service pistol which he held in a two-hand shooting position and pointed the muzzle in a westerly direction toward Penny. Officer Spraggins ordered Penny to drop the glass bottle multiple times to which Penny replied, "No!" As Officer Spraggins assessed his background he observed that there were people near Penny and holstered his service pistol and directed Officer Robles to fire his 40mm LLL at Penny **(Drawing/Exhibiting)**.

According to Officer Robles, Penny was very *jumpy* and kept moving back and forth, therefore, he did not fire his 40 mm LLL at that time.

According Officer Spraggins, he wanted to have as many less-lethal options available as possible. Therefore, he retrieved a Beanbag Shotgun from his police vehicle and rejoined Officer Robles. Officer Spraggins chambered a round in the Beanbag Shotgun and Officer Robles advised him that there were people in Penny's background.

**Note:** According to Sergeant Azmy, when he arrived at scene, Officer Spraggins was armed with a Beanbag Shotgun and Officer Concetti had his service pistol drawn. An FID analysis of Sergeant Azmy's BWV determined that Officer Concetti's service pistol was holstered and Officer Spraggins' service pistol was drawn.

According to Sergeant Azmy, he observed Penny holding a glass bottle in his right hand, in a raised position and was yelling at the officers. Penny then picked up a black folding chair and held it in his left hand along his left leg. Penny's demeanor caused Sergeant Azmy to form the opinion that Penny was either under the influence of narcotics and/or suffering from mental

illness. Sergeant Azmy wanted to de-escalate the situation before Penny had the opportunity to attack the officers with the glass bottle and believed the officers were not actively communicating with Penny. Sergeant Azmy did not consider delegating the role of contact to one of the officers at scene and further stated that the officers failed to gain Penny's cooperation before he arrived at scene and again after Officer Antalek attempted to discharge the TASER at Penny. Sergeant Azmy believed he could establish a rapport with Penny, therefore, assumed the role of contact officer and proceeded to give Penny commands.

**Note:** An FID review of BWV determined that Officer Spraggins was giving commands to Penny, ordering him to get back and drop the bottle.

According to the FID investigation, Sergeant Azmy was aware that less-lethal force options were available, as Officer Spraggins had deployed a Beanbag Shotgun and Officer Robles had deployed a 40mm LLL. He then directed Officer Lara to retrieve a Ballistic Shield from their police vehicle. Sergeant Azmy was concerned about containment and vehicular traffic; therefore, he advised CD that he needed units to block northbound traffic on Pacific Avenue and also on Speedway. Sergeant Azmy began verbalizing with Penny and advised Penny that he just want to talk to him. Penny walked west on Thornton Court, then turned north, out of the officers' view. Shortly thereafter, Officer Lara returned with a Ballistic Shield and handed it to Officer Antalek.

According to Officer Lara he observed Penny holding a glass beer bottle in his left hand as Officer Lara exited his police vehicle and positioned himself behind a wall on the north side of Thornton Court. Officer Lara announced that Penny was holding a glass bottle in his hand. Officer Lara believed that the *glass bottle was a weapon that could cause great bodily injury to himself or to others*.

**Note:** Although Officer Lara believed Penny was holding the glass bottle in his left hand, an analysis of the BWV by FID investigators determined that Penny was holding the glass bottle in his right hand.

A review of BWV by FID investigators determined that after positioning himself behind a wall on the north side of Thornton Court, Officer Lara drew his service pistol. Officer Lara holstered his service pistol when Sergeant Azmy directed Officer Lara to retrieve the Ballistic Shield from the trunk of the police vehicle (**Drawing/Exhibiting**).

According to Officer Lara, once he retrieved the Ballistic Shield, he handed the Ballistic Shield to Officer Antalek and drew his service pistol. Officer Lara held his service pistol in a low-ready position with his finger along the frame as Penny was still armed with a glass bottle and pacing back and forth presented an active threat to everyone at scene (**Drawing/Exhibiting**).<sup>5</sup>

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<sup>5</sup> According to Officer Lara, he only recalled drawing his service pistol after he handed Officer Antalek the Ballistic Shield.

According to the FID investigation, Officer Lara explained to Sergeant Park, who had just arrived at scene, that Penny was armed with both a broken glass bottle in his right hand and a metal object (slungshot). Officer Lara then holstered his service pistol. A review of BWV revealed that Officer Lara later drew his service pistol and took cover behind a brick wall just east of 40 Thornton Court as Penny, who was still armed with the glass shard and slungshot, started jumping up and down and moved in Sergeant Azmy's direction (**Drawing/Exhibiting**).

According to Sergeant Azmy, his priority was to ensure that Penny did not enter any of the nearby residences, jump any fences, or have the opportunity to take a hostage. Sergeant Azmy stated, "We'll just approach with this (Ballistic Shield). I don't know where he's going. We need to keep an eye on him."

According to the FID investigation, at approximately 1753 hours, Sergeant Azmy, along with Officers Lara, Antalek (lethal cover/ Ballistic Shield), Robles (40 mm LLL), Spraggins (Beanbag Shotgun), and Concetti (lethal cover), walked west on Thornton Court, in an attempt to locate Penny. Sergeant Azmy walked along the north side of Thornton Court, slightly ahead of the officers, followed by Officers Antalek and Lara. As the officers made their approach, three unidentified men were standing on the south side of Thornton Court; two of the men pointed in a northwesterly direction to Penny's location. Officer Robles then directed the men to enter their respective residences. Penny appeared on the north side of Thornton Court; still holding bottle in his right hand. Sergeant Azmy advised Penny that they just want to ensure that Penny was okay and assured Penny that nobody was going to hurt him and asked him to put the bottle down. Penny picked up a makeshift slungshot that consisted of a blue bandana tied to a metal number "8" and stood beside a wooden fence. Penny asked Sergeant Azmy, "What's a real blunt dude?" Sergeant Azmy then directed officers to seek cover behind cars and/or structures. Officers Lara and Antalek redeployed north a short distance and sought cover behind a nearby vehicle. Officers Concetti, Robles, and Spraggins moved a little closer to the structures located on the south side of the street. Officers Robles and Spraggins were positioned near the east side of Park Avenue and Officer Concetti was positioned one house east of them. Although Officer Antalek was the designated cover/lethal officer, he holstered his service pistol shortly after Sergeant Azmy directed the officers to seek cover [**Additional Tactical Debrief Topic – Designated Cover Officer (DCO)**].

According to FID investigation a civilian vehicle attempted to drive east on Thornton Court. Officer Concetti motioned to the driver to back up, which they did. Officer Concetti broadcast to CD, requesting the next unit at scene to block eastbound traffic at the intersection of Thornton Court and Speedway. Officers J. Estrada, Serial No. 39492 and S. Graciano, Serial No. 42116, Pacific Area, VBD, advised CD they would handle Officer Concetti's request and responded to the location Code Three. Sergeant Azmy ordered Penny to put the bottle down at which time Penny threw the bottle in a northeasterly direction. Penny then walked into the street toward the broken glass. Sergeant Azmy ordered Penny to stop, but he did not comply with the command. Officer Robles pointed his 40mm LLL in Penny's direction and ordered him to back up. Simultaneously, Officer Spraggins pointed the muzzle of the Beanbag Shotgun at Penny. Penny picked up a piece of the broken glass and retreated behind a wooden fence [**Additional/Equipment – Body Worn Video (BWV) Activations**].

According to Officer Lara, Sergeant Azmy looked back at him and said, "We need a TASER." Officer Lara then holstered his service pistol and unholstered his TASER.

According to the FID investigation, Sergeant Azmy provided Penny with a complete verbal use of force warning for the Beanbag Shotgun. Penny replied, "Nah, just kill me." Sergeant Azmy advised Penny that he did not want to kill him. Sergeant Azmy asked Penny to put down the bottle so they could talk. Penny replied, "No, as soon as I put it down you're not going to ask me shit. You're just going to put me in handcuffs, right?" Sergeant Azmy advised Penny that they would only handcuff him while they completed their investigation and offered to take him to the hospital. During their conversation, Penny was moving erratically, swinging the glass shard and a slungshot. Penny agreed to drop all the weapons if Sergeant Azmy repeated, "A real blunt is not real." In an attempt to gain Penny's compliance, Sergeant Azmy stated, "A real blunt is not real." Even though Sergeant Azmy complied with his request, Penny did not drop the glass shard or the slungshot.

According to the FID investigation, during this time, Sergeant L. Park, Serial No. 38015, Pacific Patrol Division, arrived at scene and took a position of cover behind a parked vehicle, to the right of Officer Lara. Officer Lara informed Sergeant Park that Penny was armed with broken glass in his right hand and a metal object [**Additional Tactical Debrief Topics - Code Six and Required Equipment and Additional/Equipment – Body Worn Video (BWV) Activations and Digital In-Car Video System (DICVS) Activation**].

According to Sergeant Azmy, he believed he had sufficient units at scene and advised CD to downgrade the response of any additional responding units. After Sergeant Azmy completed his broadcast, Penny asked, "Are you calling back-up?" and walked in a northeasterly direction across Thornton Court. In response to Penny's actions, Officers Spraggins and Robles repositioned toward the north side of Thornton Court and Officer Concetti redeployed and stood beside 43 Park Avenue.

According to Officer Concetti, "And at that time, we attempted to triangulate. If we had to use any force at that time, we had good - - good triangulation on the suspect." Penny, who was still armed with the glass shard and slungshot, started jumping up and down and moved in Sergeant Azmy's direction.

According to the FID investigation, Officer Spraggins yelled, "Get back, get back" to Penny. Simultaneously, Sergeant Azmy directed Officer Spraggins to fire his Beanbag Shotgun at Penny. Sergeant Azmy estimated that Penny got within approximately 15 to 20 feet of him.

**Note:** According to the FID investigation Sergeant Azmy's command to fire the Beanbag Shotgun was not captured by any officers BWV due to the simultaneous commands being given to Penny (**Additional Tactical Debrief Topic – Simultaneous Non-Conflicting Commands**).

According to the FID investigation, Penny stopped advancing toward Sergeant Azmy and directed his attention toward Officers Spraggins and Robles. Penny looked in their direction and



yelled, "Fuck you!" while swinging the slungshot. Penny then walked towards his encampment, which was located in the parking area just west of 40 Thornton Court. Penny placed the glass shard onto the ground and picked up a wooden board. Penny gripped the slungshot in his left hand, while holding the wooden board in front of his body with both hands. Penny then walked towards Officer Concetti.

According to Officer Concetti, he observed Penny arm himself with a *wood piece* and begin *walking towards* Sergeant Azmy. Officer Concetti, believing that Penny may use the wooden piece to start *hitting them* (officers) and *the situation may arise to the point before deadly force may be justified*, drew his service pistol. Officer Concetti stated he did not have any immediate cover available to him. Officer Concetti assumed a low-ready position and at that moment did not feel he "needed to use deadly force, so I was at the low-ready still assessing the situation, which could change at any moment" (**Drawing/Exhibiting and Debriefing Point No. 2**).

The FID investigation determined that at approximately 1756 hours, Officers Estrada, and Graciano, arrived at scene and parked their marked black and white police vehicle on Speedway, facing north, blocking Thornton Court as requested to control vehicle and pedestrian traffic at Speedway and Thornton Court (**Additional Tactical Debrief Topic – Crossfire**).

According to the FID investigation, as Penny crossed the street, Officers Spraggins and Robles began side stepping toward the south side of the street. Sergeant Azmy warned Penny that if he took another step he would be shot with the Beanbag Shotgun. Penny kept walking at which time Sergeant Azmy stated, "Beanbag him." Officer Spraggins replied, "Beanbag ready!" Penny crossed to the south side of Thornton Court and positioned himself in the parking area and aggressively side stepped toward Officer Concetti, while holding the wooden board in a raised position. Penny walked to the southwest corner of the structure, looking in Officer Concetti's direction. According to Officer Concetti, Penny appeared to be utilizing the structure as cover. Officer Concetti ordered Penny to stop and get back multiple times, but he did not comply. Instead, Penny replied, "Fuck you." As Officer Concetti repeated his command for Penny to get back, Penny yelled, "No!" and stepped toward Officer Concetti, while holding the wooden board.

According to Officer Spraggins, Penny picked up the wooden board and walked *rapidly* towards himself and Officers Concetti and Robles. Officer Spraggins observed Penny raise the board above his head *like he's going to swing it*. Officer Spraggins believed Penny's actions indicated an *immediate threat of violence* and aimed the Beanbag Shotgun at Penny's navel area and discharged one Beanbag round in order to prevent Penny's aggressive approach while armed with a wooden board (**Less-Lethal Use of Force and Additional Tactical Debrief Topic – Beanbag Shotgun Manipulations**).

According to Officer Robles, he observed Penny *arming himself again* with a wood board. Officer Robles also observed Penny was armed with a *metal object*. Penny was *not listening* and would not comply with any commands. Officer Robles observed Penny by the wall of a house *swinging* around the wood board, *acting very violently*. Penny then made a sudden movement and Officer Robles stated he believed that Penny was "going to charge us (officers) with the

wooden – with the piece of wood.” Officer Robles discharged one 40mm projectile round from a standing position toward Penny to prevent Penny from charging toward him and his fellow officers and striking them with the wood board he was armed with (**Less-Lethal Use of Force and Debriefing Point No. 1**).<sup>6</sup>

According to Officer Concetti, Penny *was in the middle of the alley*, when he saw Penny *arm himself with a wooden plank*. Once armed with the wooden plank, Penny *quickly moved over to* Officer Concetti’s side of the alley. Officer Concetti perceived the wooden plank to be *three to five inches wide, and six feet in length*. Officer Concetti was approximately 10 to 15 feet away from Penny when he had already unholstered his service pistol. Officer Concetti advised Penny to, “Back off, back off.” Penny proceeded to move to a position where he partially used a structure as cover. Observing this behavior by Penny, Officer Concetti *stopped*, and *reassessed* the situation. Officer Concetti gave Penny another command to *back off, back off*, when Penny stated, “No,” and *took two steps towards* Officer Concetti. When Penny had left his position and took two steps towards Officer Concetti, Officer Concetti stated that he had determined that Penny was putting the officers *all in danger* and fired approximately two rounds in Penny’s direction (**Lethal Force, and Additional Tactical Debrief Topic – Target Acquisition and Additional/Equipment – Approved Duty Ammunition**).

**Note:** The FID investigation determined that Officer Concetti fired two rounds from an approximate distance of 12 feet.

According to Sergeant Azmy, he heard two shots, nearly simultaneous to one another, and believed they emitted from the Beanbag Shotgun and 40mm LLL. Sergeant Azmy was unaware that an OIS had occurred. Sergeant Azmy requested an officer with a TASER and advised Officer Spraggins to be prepared to fire the Beanbag Shotgun again.

According to Sergeant Park, he observed the Beanbag Shotgun and 40mm LLL get deployed; however, Sergeant Park did not see Officer Concetti discharge his service pistol. Sergeant Park was unaware that an OIS had occurred.

**Note:** The FID investigation determined that the deployment of the Beanbag Shotgun, 40mm LLL, and the OIS were nearly simultaneous to one another.

The FID investigation determined that at approximately 1758 hours, Officer Concetti broadcast a help call and advised CD that shots had been fired.

According to Officer Graciano, while conducting traffic control from his vehicle he *heard two shots* and a *supervisor broadcast a help call* over the police radio. Officer Graciano continued to monitor the radio frequency and heard additional information indicating Penny was walking in the direction of where he was conducting traffic control. As Officer Graciano proceeded to tactically redeploy behind a wall, he saw that Officer Estrada had deployed a 40mm LLL from

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<sup>6</sup> The FID investigation was unable to determine if Penny was struck by the 40 mm foam projectile.

their police vehicle. After seeing that his partner deployed the 40mm LLL, Officer Graciano *transitioned to lethal to cover* Officer Estrada as they discussed prior. Officer Graciano unholstered his service pistol because he felt that *the situation might escalate to where deadly force could be used* due to the possibility of the suspect running in their direction **(Drawing/Exhibiting)**.

According to Officer Estrada, upon arrival to the location to conduct traffic control, he stated that he observed “That the officers and everybody was basically north of our location approximately 50 yards...so at that point I know we are in the crossfire.” Officer Estrada directed Officer Graciano to seek cover on the north side of Speedway as he sought cover on the south side of Speedway. Officer Estrada tactically re-deployed to the north side of Speedway, just north of Thornton Court in an attempt to get a visual image of Penny. As Officer Estrada was redeploying he heard *two gunshots* followed by a radio broadcast of, “Shots fired, officer needs help,” as well as the broadcast of the sergeant of a *help call, shots fired*. Officer Estrada then drew his service pistol, based on hearing gunfire and believing the tactical situation may escalate to the point where deadly force may be justified **(Drawing/Exhibiting and Additional Tactical Debrief Topic – Crossfire)**.

According to the FID investigation, after redeploying, Officer Estrada holstered his service pistol and observed that Penny was walking southbound on Thornton Court towards his direction. Additionally, while conducting traffic control Officer Estrada was informed by the Air Unit that Penny was walking southbound of Thornton Court towards Speedway in his direction. Officer Estrada informed Officer Graciano of Penny’s actions and deployed his 40mm LLL from the trunk of his police vehicle. Officer Estrada looked south on Thornton Court and observed Penny. Officer Estrada gave commands to Penny, but Penny did not comply. Officer Estrada started to approach Penny, but was advised by the Air Unit that he was in a crossfire and to seek cover. Officers Estrada and Graciano then redeployed behind cover south of Speedway from Thornton Court.

The FID investigation determined that as Penny crossed Thornton Court, he yelled and dropped the wooden board in the middle of the street. Penny then picked up the board and walked toward his encampment. Sergeant Azmy directed Officer Spraggins to prepare to shoot the Beanbag Shotgun again and for an officer to be ready with the TASER. Sergeant Azmy then provided Penny with a verbal use of force warning for a TASER.

According to Officer Lara, after Officer Spraggins discharged the Beanbag Shotgun and Officer Robles discharged the 40mm LLL, Penny *staggered back, then continued to walk north bound*. In an attempt to de-escalate the situation, Officer Lara removed the cartridge from his TASER and conducted a “TASER check.”<sup>7</sup> Officer Lara’s actions had no effect on Penny.

The FID investigation revealed Officers Castro and Gonzalez arrived at scene and parked their police vehicle on Pacific Avenue just prior to the OIS. Officer Gonzalez exited the police

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<sup>7</sup> “TASER check” refers to a Spark Check, which is a technique of activating the TASER with the cartridge removed. This demonstrates the capabilities of the TASER without making any contact with the suspect.

vehicle and began walking toward the location of Officers Concetti, Robles, Lara, and Spraggins, as Officer Castro retrieved his Benelli M4 Shotgun from the trunk of their police vehicle. Shortly thereafter, their BWV captured the sound of three shots being fired (**Additional Tactical Debrief Topic – Code Six**).<sup>8</sup>

According to Officer Castro, “As I’m retrieving my shotgun, I hear what I believe to be gunshots. So, I load a round into the chamber, and I run to where the officers are at.” Officer Castro held the shotgun at port arms and ran north on the east sidewalk of Pacific Avenue, then west on Thornton Court. As Officer Castro and a group of officers proceeded west on Thornton Court, Officer Castro disengaged the safety on the shotgun, then re-engaged it. Officer Castro stated he wanted to *double check to make sure the safety was engaged*. He then went to the north side of Thornton Court and advised the officers at scene that he had a shotgun in his possession. Officer Castro observed that officers did not have adequate cover and directed an unidentified officer to *bring up a shop so officers could use a police vehicle for cover*. As officers gave commands to Penny, Penny walked away from the officers (**Additional Tactical Debrief Topic – Shotgun Manipulation**).

**Note:** According to Officer Castro, his shotgun was slung as he ran west on Thornton Court. An FID review of the BWV determined that he did not sling his shotgun until he arrived at the scene of the OIS.

According to the FID investigation, Officers J. Hernandez, Serial No. 43215 and O. Maldonado, Serial No. 43223, Pacific Patrol Division, arrived at scene at approximately the same time as Officers Castro and Gonzalez and parked their police vehicle on Pacific Avenue, just prior to the OIS. Prior to exiting his police vehicle, Officer Maldonado retrieved his 40mm LLL. Officers Hernandez and Maldonado began walking towards the location of Officers Concetti, Robles, Lara, and Spraggins at which time BWV captured the sound of three shots being fired. Officer Maldonado then loaded a 40mm projectile round into his 40mm LLL and positioned himself on the south side of Thornton Court along with Officer Concetti [**Additional/Equipment – Body Worn Video (BWV) Activations and Required Equipment**].

According to Sergeant Park, he was still unaware that an OIS had occurred. Sergeant Park picked up the discharged 40mm cartridge case, as well as the Beanbag round and discharged Beanbag shotshell. Sergeant Park stated he recovered those items to preserve them as evidence for the supervisor he believed would be completing the Non Categorical Use of Force investigation. At the conclusion of the incident, Sergeant Park spoke with Detective II Jon Winstanley, Serial No. 36702, Pacific Detective Division, who advised Sergeant Park to place the evidence back in the location where he recovered the items from. According to Sergeant Park, he placed the evidence back in their approximate recovery locations (**Additional/Equipment – Protocols Subsequent to a Categorical Use of Force**).

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<sup>8</sup> Officer Maldonado broadcast to CD that they were Code Six just prior to arrival. Officers Castro and Gonzalez, responding to the incident where numerous officers were already at scene and engaging with Penny, did not go Code Six until the conclusion of the incident.

According to the FID investigation, Sergeant Azmy and Officer Concetti continued giving commands to Penny, ordering him to drop the board and get down on the ground, but Penny did not comply with their commands and walked towards his encampment and away from the officers. It was at this approximate time that Officer A. Aziz, Serial No. 40850, Pacific Patrol Division, arrived at the location **[Additional Tactical Debrief Topics - Required Equipment and Additional/Equipment - Body Worn Video (BWV) Activations]**.

According to the FID investigation, at approximately 1759 hours, Sergeant Azmy requested a Rescue Ambulance (RA) for Penny, advising CD that Penny had been shot with a Beanbag Shotgun. Officer Concetti immediately informed Sergeant Azmy that an OIS occurred and Penny was shot on the leg. Sergeant Azmy then advised CD that Penny sustained a gunshot wound to the leg. Officer Spraggins ordered Penny to come out with his hands up and directed him to drop whatever was in his hands. Penny responded by throwing the slungshot into the middle of Thornton Court. Sergeant Azmy advised Penny to get down on the ground so they could get him help and provide medical attention, but Penny continued to be uncooperative and Penny moved further north into his encampment and out of the officers' view. Officer Aziz approached Sergeant Park and asked if he would like a police vehicle brought to their location for use as cover. Sergeant Park agreed and directed Officer Aziz to retrieve his police vehicle.

According to the FID investigation, Officer Aziz drove his police vehicle west on Thornton Court and parked near 43 Park Avenue. Sergeant Azmy devised a tactical plan to approach Penny by utilizing Officer Aziz's police vehicle. Sergeant Azmy continued to verbalize with Penny, as Sergeant Park formed an arrest team. During this time, Sergeant R. Ferguson, Serial No. 38565, Pacific Patrol Division, arrived at scene and took a position behind Officer Aziz's police vehicle. Sergeant Park directed Officer Aziz to reposition the police vehicle further west, in order to provide cover for the officers and enable them to see into Penny's encampment. Penny then left his encampment and walked west along the north side of Thornton Court towards Speedway. Sergeant Azmy broadcast to Officers Graciano and Estrada that Penny was walking in their direction. Officer Aziz drove his police vehicle slowly in a westerly direction providing moving cover for Sergeants Azmy and Park and Officers Lara, Maldonado, Concetti, Antalek, Gonzalez, Poursaleh, Castro, and Hernandez. As Penny walked into an open area Officers Poursaleh, Gonzalez, Maldonado, and Lara approached Penny and took him into custody without incident **[Additional/Equipment - Body Worn Video (BWV) Activations]**.

According to the FID investigation, at approximately 1807 hours, Sergeant Azmy broadcast a Code Four and requested the RA to respond to their location. Sergeant Azmy then directed Sergeant Ferguson to monitor Officer Concetti and conduct a Public Safety Statement (PSS). Lieutenant G. Alonso, Serial No. 31149 and Sergeant S. Stevens, Serial No. 32499, Pacific Patrol Division, arrived after Penny was taken into custody and started coordinating crime scene efforts and post categorical use of force procedures. At approximately 1817 hours, the RA arrived at the intersection of Speedway and Thornton Court. Initially, Officers Poursaleh and Gonzalez planned to walk Penny to the RA, but Penny was uncooperative and placed in a seated position on the ground. Los Angeles Fire Department (LAFD), Firefighter/Paramedics (FF/PM) Senay Teklu and Jose Paz, contacted and rendered aid to Penny at approximately 1819 hours. Penny was transported to Ronald Regan UCLA Medical Center for further treatment.

According to the FID investigation, after the incident the involved officers were transported to Pacific Community Police Station (CPS) for monitoring purposes. Sergeants Z. Wechsler, Serial No. 39792, Olympic Patrol Division, C. Miller, Serial No. 37275, Wilshire Patrol Division, and E. Limon, Serial No. 36732, Pacific Patrol Division, along with Detectives N. Spitz, Serial No. 32317, J. Winstanley, Serial No. 36702, Pacific Patrol Division, and P. Scallon, Serial No. 35240, Pacific Area, responded to Pacific CPS to assist with monitoring of the involved officers (**Additional/Equipment – Supervisor’s Daily Report**).

According to Detective Spitz’ Detective Daily Log, Detective Spitz was at Thornton Court and Speedway and took over monitoring of Officers Antalek and Spraggins. Detective Spitz transported both Officers Antalek and Spraggins to Pacific CPS. Sergeant Wechsler took over monitoring responsibility of Officer Spraggins.

According to Sergeant Wechsler’s Sergeant’s Daily Report, at Pacific CPS, he met with Detective Spitz and assumed the monitoring responsibility of Officer Spraggins from Detective Spitz. Sergeant Wechsler was relieved from monitoring Officer Spraggins by FID detectives.

According to Detective P. Scallon’s Sergeant’s Daily Report, he transported Officer Gonzalez from Thornton Court and Speedway to the Pacific CPS Detective squad room where Sergeant Miller took over monitoring Officer Gonzalez.

According to Sergeant Limon’s Sergeant’s Daily Report, he took over monitoring responsibility of Officer Concetti from Sergeant Ferguson. Sergeant Limon transferred the monitoring responsibility of Officer Concetti to Detective Winstanley. Sergeant Limon later responded to the Command Post and took over monitoring responsibility of Officer Concetti from Detective Winstanley. Sergeant Limon continued to monitor Officer Concetti until he was relieved by FID detectives.

According to Detective Winstanley’s Detective Daily Log, Detective Winstanley transported Officer Poursaleh from the Command Post to Pacific CPS. Sergeant Miller took over monitoring duties Poursaleh.

According to Sergeant Ferguson’s Sergeant’s Daily Report, Sergeant Ferguson separated and monitored, and transported Officer Concetti to Pacific CPS. Sergeant Ferguson was later relieved of monitoring Officer Concetti by Sergeant Limon.

According to the Watch Commander’s Daily Report, Lieutenant J. Sanchez, Serial No. 25339, Pacific Patrol Division, was the Watch Commander (**Additional/Equipment – Watch Commander’s Daily Report**).

## **FINDINGS**

**Tactics** – Administrative Disapproval Sergeant Azmy. Tactical Debrief, Sergeant Park, Officers Antalek, Robles, Aziz, Concetti, Estrada, Graciano, Lara, and Spraggins.

**Drawing/Exhibiting** – In Policy, No Further Action, Officers Robles, Antalek, Spraggins, Lara, Concetti, Graciano, and Estrada.

**Less-Lethal Use of Force** – In Policy, No Further Action, Officers Antalek, Spraggins, and Robles.

**Lethal Use of Force** – In Policy, No Further Action, Officer Concetti.

## **ANALYSIS<sup>9</sup>**

### **Detention**

Officers Antalek and Robles received a radio call for a screaming man. Upon arrival, they observed Penny walking in and out of traffic and pacing back and forth while talking to himself. Penny made irrational statements and was armed with a glass bottle in one hand and a padlock in the other. Due to Penny's behavior, it was unsafe for officers to approach. Officer Robles requested for additional units and both officers stood behind cover while waiting for additional units to arrive. During this time Penny began to approach Officer Antalek armed with a glass bottle and a cardboard box, despite Officers giving Penny commands to drop the weapon and to back up. As Penny threw the cardboard box at Officer Antalek, Officer Robles deployed the TASER. The TASER had no effect against Penny. As additional units arrived, Officer attempted to gain compliance with Penny through verbal commands with no effect. Penny continually ran towards officers and then backed away from officers. Penny then armed himself with a wooden board and ran towards officers with it raised over his head which resulted in an OIS. The actions of Officer Spraggins, Concetti, and Robles were appropriate and with Department policies and procedures.

### **Tactics**

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

Department policy relative to Administrative Disapproval is: *"A finding, supported by a preponderance of the evidence that the tactics employed during a CUOF incident unjustifiably and substantially deviated from approved Department tactical training" (Los Angeles Police Department Manual, Volume 3, Section 792.05).*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are

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<sup>9</sup> The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

### Tactical De-Escalation

*Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.*

#### Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

**Planning** – Officers Antalek and Robles had worked together one time in the past and had discussed general tactics, contact and cover roles, as well as various use of force situations. During the officers' discussions regarding tactics, Officer Antalek was the designated lethal cover officer while Officer Robles was designated as the less-lethal cover officer. After making contact with Penny, Officer Antalek deployed his TASER while Officer Robles deployed his 40mm LLL. Officers Spraggins and Concetti had worked together for approximately four months and discussed contact and cover roles, with Officer Spraggins generally designated as the contact and less-lethal cover officer and Officer Concetti as the lethal cover officer. When Officers Spraggins and Concetti arrived at scene, they observed that Officer Robles had already deployed a 40mm LLL. Officer Spraggins subsequently deployed a Beanbag Shotgun and attempted to verbalize with Penny in an attempt to have Penny to drop the glass bottle and slungshot he was holding in his hands.

While the officers planned for their initial response to the incident, I would have preferred that the officers discussed additional tactical plans, such as vehicle placement, utilizing their police vehicle for cover when there is lack of available cover, establishing a perimeter, and requesting an air unit in order to more thoroughly prepare for additional outcomes.

Sergeant Azmy arrived at the location and took over the role of contact officer, verbally communicating with Penny. During this time, there were sufficient personnel to delegate this role so as to allow Sergeant Azmy to focus on planning and managing the incident. Due to Penny's erratic behavior and movements within the street, the officers were facing with a rapidly



evolving tactical incident. The incident may have benefitted from a more detailed plan for the containment of Penny and deployment of officers by Sergeant Azmy.

**Assessment** – Officers Antalek and Robles assessed the tactical situation immediately after observing Penny's erratic behavior as they arrived at scene. As officers attempted to park and safely deploy from their police vehicle, they observed Penny in close proximity to their police vehicle. Officer Antalek deployed from their police vehicle and distracted Penny, allowing Officer Robles to safely exit from the passenger side. Officers observed Penny speaking in an incoherent manner, his behavior was erratic and aggressive, and he was holding a glass bottle and a padlock. Officers attempted to utilize available cover and verbalize with Penny to get him to calm down and put down the glass bottle and padlock. Officer Antalek deployed his TASER and warned Penny that Officer Antalek would discharge the TASER as Penny began to approach him in an aggressive manner while holding the glass bottle. Officer Antalek activated his TASER in an attempt to de-escalate the encounter and subdue Penny who he observed raise the glass bottle in a threatening motion.

Officers Spraggins and Concetti responded to the scene and assessed the tactical situation. Officers Spraggins observed that Officer Robles had deployed a 40mm LLL and subsequently deployed a Beanbag Shotgun. Officer Concetti maintained his role as a communications officers and drew his service pistol, assuming a lethal cover role, when Penny approached Sergeant Azmy who had arrived at scene in an aggressive manner. Officers followed Penny who was moving in an unpredictable manner, at a distance, in order to contain and maintain a visual of him. Penny armed himself with a wooden board, approached to a minimal distance, and moved aggressively towards officers.

Officers Concetti (service pistol), Spraggins (Beanbag Shotgun), and Robles (40mm LLL) utilized fire control immediately after firing their weapon systems and assessed whether Penny's actions were still an imminent threat. Penny fled and was taken into custody a short time later in an area nearby the OIS.

**Time** – Officers Antalek and Robles after arriving at scene, observed Penny in an extremely agitated state, and attempted to verbalize with Penny to calm him down and have him drop the glass bottle that he was armed with. Officer Antalek deployed a TASER and Officers Robles deployed a 40mm LLL in order to have additional tools available to de-escalate the tactical situation. Officer Robles requested the response of additional resources. Officer Spraggins and Concetti arrived and Officer Spraggins deployed a Beanbag Shotgun as an additional de-escalation tool to gain additional time to safely resolve the incident. Penny's behavior was erratic and unpredictable. He suddenly and without warning armed himself with a wooden board and moved within close proximity to the officers who were attempting to maintain visual of him and contain him. Penny abruptly moved towards officers in an aggressive manner while raising the wooden board above his head in a threatening motion. Penny's actions did not afford the officers any additional time to respond to his deadly actions, which reduced the time they had to respond, and limited their tactical options.

**Redeployment and/or Containment** – After making contact with Penny, Officers Antalek and Robles requested additional resources to respond. As Officers Antalek and Robles attempted to verbalize with Penny and de-escalate the situation, Penny proceeded to move backwards in a western direction on Thornton Court. Penny continued to move west after additional resources arrived to assist with the resolution of the incident. Officers Antalek and Robles directed concerned community members to go inside their residences and began following Penny west on Thornton Court as Sergeant Azmy attempted to communicate and gain Penny's compliance. Officers followed Penny at a distance in order to maintain visual contact and contain him within Thornton Court. Officer Concetti requested an additional unit respond to Speedway in order to block traffic as well as to prevent Penny from fleeing further west on Thornton Court. Officers Graciano and Estrada responded to the intersection of Thornton Court and Speedway and blocked traffic. Containment of Penny was maintained on Thornton Court between Pacific Avenue and Speedway. Officers Concetti, Spraggins, and Robles were unable to redeploy as Penny aggressively approached them with a wooden board due to the minimal cover that was available along Thornton Court.

The incident may have benefitted from the re-deployment of officers, or a more effective use of cover of deployed personnel. Sergeant Azmy was in the best role to do initiate such a redeployment of resources, but had continued to engage in verbal communication with Penny.

**Other Resources** – After making contact with Penny, Officers Antalek and Robles deployed a TASER and a 40mm LLL. Officer Robles requested additional resources respond due to Penny being non-compliant, agitated, and armed with a glass bottle. An Air Unit was requested by CD when Officer Robles requested a "back-up." Officers Spraggins and Concetti responded to assist and Officer Spraggins observed that Officer Robles had deployed a 40 mm LLL and subsequently deployed a Beanbag Shotgun to have an additional less-lethal option available. Officer Lara and Sergeant Azmy responded to the location and Officer Lara retrieved a Ballistic Shield from his vehicle and provided it to Officer Antalek who was designated the lethal cover officer. Officer Concetti requested an additional unit block the intersection of Thornton Court and Speedway Street to which Officers Graciano and Estrada responded. Penny armed himself with a wooden board, refused verbal commands to de-escalate, and raised the wooden board in a threatening manner. Officer Robles fired his 40mm LLL, Officer Spraggins fired his Beanbag Shotgun, and Officer Concetti fired his service pistol in response to Penny's deadly threat. Sergeant Azmy requested an RA respond immediately following the OIS.

**Lines of Communication** – Throughout the incident, officers utilized open lines of communication. Officers Antalek and Robles initially opened lines of communication with one another as Officer Antalek and Robles determined contact and cover roles for tactical situations. Officer Antalek opened lines of communication with Penny upon arrival at scene and attempted to communicate and verbalize with Penny in order to determine what was occurring and how he could assist Penny. Officer Antalek attempted to de-escalate the situation by advising Penny to drop his glass bottle and warned Penny he would be tased. Officer Antalek opened lines of communication with Sergeant Azmy upon his arrival at scene by providing information regarding the tactical situation. Sergeant Azmy utilized open lines of communication by attempting to verbalize with Penny and direct him to comply with commands. Sergeant Azmy

attempted to maintain a dialogue with Penny and verbalize with Penny in order to have Penny voluntarily submit arrest and not have any further escalation of force.

The UOFRB noted, and I concur, that due to the unpredictable and agitated demeanor of Penny throughout this incident, placed the responding officers in a situation where they were forced to react to Penny's spontaneous actions. They attempted to ascertain the reason for Penny's level of agitation and attempted to verbalize with him in order to assist him. However, based on Penny's increasingly aggressive and hostile demeanor, coupled with him being armed with a glass bottle, slungshot, and later a wooden board, officers were required to react to Penny's abrupt actions with the limited time they had. Sergeant Azmy attempted to de-escalate the encounter by verbalizing with Penny and gain his voluntary compliance, however, Penny refused to do so and suddenly armed himself with a wooden board as officers followed him at a distance. Penny aggressively approached officers and raised the wooden board above his head in a hostile manner. The aggressive actions and lethal threat presented by Penny, limited the time and options officers had, and forced them to react to the imminent lethal threat presented to them.

During the review of the incident, the following Debriefing Topics were noted:

#### **Debriefing Point No. 1 Use of Force Warning**

*An officer shall, when feasible, give a verbal warning prior to using the TASER to control an individual. The warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. Examples of this would be a hostage situation or a subject threatening suicide. However, officers are reminded that the surprise/tactical element must still be needed at the actual time the TASER is fired.*

*The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to "drop the weapon" or "stop what you are doing" followed by a warning similar to "or we may use the TASER, and that may cause you injury." (Los Angeles Police Department Use of Force – Tactics Directive No. 4.5, Electronic Control Device TASER – July 2018).*

*An officer shall, when feasible, give a verbal warning prior to using the Beanbag Shotgun to control an individual. The warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. Examples of this would be a hostage situation or a subject threatening suicide. However, officers are reminded that the surprise/tactical element must still be needed at the actual time the Beanbag Shotgun is fired. The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to "drop the weapon" or "stop what you are doing" followed by a warning similar to "or we may use the Beanbag Shotgun, and that may cause you injury." (Los Angeles Police Department Use of Force – Tactics Directive No. 6.3, Beanbag Shotgun – July 2018).*

*An officer shall, when feasible, give a verbal warning prior to using the 40mm LLL to control an individual. The warning is not required when an officer is attacked and must respond to the suspect's actions. Additionally, if a tactical plan requires the element of surprise to stabilize the situation, a warning is not required. Examples of this would be a hostage situation or a subject threatening suicide. However, officers are reminded that the surprise/tactical element must still be needed at the actual time the 40mm LLL is fired.*

*The verbal warning should include a command and a warning of potential consequences of the use of force. The command should be similar to "drop the weapon" or "stop what you are doing" followed by a warning similar to "or we may use the 40mm LLL, and that may cause you injury." (Los Angeles Police Department Use of Force – Tactics Directive No. 17, 40mm Less-Lethal Launcher – July 2018).*

Officers Antalek did not provide a complete Use of Force Verbal Warning prior to the deployment of his TASER. Officer Antalek stated that it was not feasible to issue a complete verbal warning due to Penny walking in his direction as Penny yelled incoherently and swung a glass bottle and padlock back and forth above his head. Officer Antalek unholstered his TASER, stepped back and stated, "Hey, put the bottle down, put the bottle down. I'll tase you." Penny replied, "Don't follow me! You'll tase me? You think that hurts?" and walked towards Officer Antalek. Officer Antalek then deployed the TASER. Officer Antalek believed his abbreviated TASER warning was sufficient due to interpreting Penny's statement that he understood that the TASER could cause pain.

Officers shall, when feasible, give a verbal warning prior to using less-lethal force to control an individual. In this case, a complete verbal warning was not required due to Penny's actions of advancing on Officer Antalek with a glass bottle and padlock.

In this case, the UOFRB noted that the incident was unpredictable based on the Penny's erratic behavior throughout the encounter. Penny was in an extremely agitated state and was not coherent in his verbal communication. Penny was difficult to understand and did not respond to the verbal communication from the responding officers. Penny asked Officer Antalek, "You think that hurts?" which indicate to the UOFRB that Penny had some familiarity with the nature of a TASER discharge and the language used by Penny was similar to the verbal warning.

Officer Robles did not provide a complete Use of Force Verbal Warning prior to the discharging of his 40mm LLL. Just moments before Officer Robles discharged his 40mm LLL, Sergeant Azmy conducted a verbal warning with regard to the discharge of a Beanbag Shotgun to Penny. The UOFRB noted that both the Beanbag Shotgun and the 40mm LLL are less lethal devices which discharge an impact munition. The UOFRB determined that the verbal warning to Penny for the Beanbag Shotgun was sufficient, and an additional verbal warning for the 40mm LLL was not required. The UOFRB also noted that both devices were discharged nearly simultaneously.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officers Antalek, and Robles' actions did not substantially deviate from department standards. I will direct that as a topic of discussion during the Tactical Debrief.

## **Debriefing Point No. 2      Utilization of Cover**

*"Cover" is a term often associated with combat tactics. Under such conditions, cover refers to anything that may stop or deflect an opponent's weapon (e.g., brick walls, buildings, portion of the vehicle with the engine block, etc.) (California Commission on Peace Officers Standards and Training, Learning Domain 21).*

*There is an equation that saves lives: Distance + Cover = Time. Time gives officers options. Time is an essential element of de-escalation as it allows officers the opportunity to communicate with the suspect, refine tactical plans, and, if necessary, call for additional resources. Entering the suspect's space prematurely may force the suspect to take action, ultimately escalating the situation. Whenever possible, officers should place an object between themselves and the suspect as cover or a barrier. A barrier could be a chain link fence, wrought iron gate, or any similar object that prevents the assailant from reaching the officer (Los Angeles Police Department Training Bulletin, Weapons Other Than Firearms, Volume XLVI, Issue 3, October 2017).*

The utilization of cover, coupled with distance, enables an officer to confront an armed suspect while simultaneously minimizing their exposure. As a result, the overall effectiveness of a tactical incident can be enhanced while also increasing an officer's tactical options. The investigation revealed that at the time of the OIS, Officers Concetti, Spraggins, and Robles did not have the benefit of cover.

Officers, when faced with a tactical incident, improve their overall safety by their ability to recognize an unsafe situation and work to ensure a successful resolution. The ability to adjust to a tactical situation ensures minimal exposure to the officers.

In this case, the UOFRB recognized that the incident was unpredictable based on the Penny's erratic behavior throughout the encounter. Penny was in an extremely agitated state and was not coherent in his verbal communication. Penny was difficult to understand and did not easily respond to the verbal communication from the responding officers. Sergeant Azmy and the responding officers, in an attempt to maintain visual contact with Penny who was moving west on Thornton Court, began to follow Penny while keeping their distance. Penny was acting in an aggressive manner and was initially armed with a glass bottle and later a slungshot and a wooden board. As Officers continued to follow Penny west of Thornton court in order to maintain their verbal communication and prevent him from endangering community members in the area, Officers Concetti, Spraggins, and Robles were moving west on the south side of the street without the benefit of cover.

The UOFRB noted the officers following Penny on the north side of the street utilized available cover and were providing "cross cover" to the officers on the south side of the street. The

UOFRB considered there was minimal available cover on the street. As Officers Concetti, Spraggins, and Robles followed Penny down the street, their options for cover was limited. Also complicating the tactical decision making was that some of the available cover would have limited their view and their ability to cover various angles of the street.

I would have preferred for all of the officers to maintain a position of tactical advantage by utilizing cover. The use of cover often results in officers being able to utilize various options as well as providing them with more time to make decisions in the event the suspect presents an imminent threat of death or serious bodily injury. However, this situation was fluid and rapidly evolving and that the suspect's unpredictable actions and movement dictated the officers' movement throughout the incident. Our personnel are expected to be flexible and continually assess their circumstances. In this case, once the encounter with Penny slowed down in its pace, the supervisor and officers recognized that they would benefit from cover and moved a police vehicle into a position where it could be used for cover.

Based upon the totality of the circumstances, the UOFRB determined, and I concur, that Officers Concetti, Spraggins, and Robles' actions did not deviate from department standards. I will direct that as a topic of discussion during the Tactical Debrief.

### **Additional Tactical Debrief Topics**

**Tactical Vehicle Deployment** – In this case, Penny was moving around the area and the officers were faced with vehicular and pedestrian traffic as they were attempting to park and exit their police vehicle. The investigation revealed that Officer Antalek eventually parked the police vehicle and Penny, who was erratically moving around the area, began to approach the police vehicle. I would have preferred that Officer Antalek placed his police vehicle further away from Penny, who was armed with a glass bottle and padlock, in order to give the officers additional time and distance to assess his actions. I will direct this be a topic of discussion during the Tactical Debrief.

**Simultaneous Non-Conflicting Commands** – The investigation revealed that several officers gave simultaneous commands to Penny prior to the OIS. Although the commands were non-conflicting, the officers are reminded that simultaneous commands can sometimes lead to confusion and non-compliance. I will direct this to be a topic of discussion during the Tactical Debrief.

**Back-Up vs. Additional Unit Request** – The investigation revealed that Officer Robles requested the response of an additional unit and a supervisor upon learning that Penny was armed with glass bottle and padlock, was acting erratically, and was not complying with officers' commands. In this case, although Officer Robles requested additional resources to respond to the incident, a request for backup units would have been more appropriate for this situation. Officer Robles is reminded of the importance of assessing the level of threat at an incident and appropriately communicating the immediacy of the request for resources. I will direct this topic be discussed during the Tactical Debrief.

**Target Acquisition** – The FID investigation revealed that Officer Concetti intentionally aimed his service pistol towards Penny's lower extremities when he fired two rounds at Penny striking Penny in the left arm and left thigh. Officer Concetti is reminded of the importance of target acquisition, background, sight alignment and sight picture with regards to maintaining combat shooting accuracy. I will direct this to be a topic of discussion during the Tactical Debrief.

**Designated Cover Officers (DCOs)** – The investigation revealed that Officer Antalek who was assigned as the DCO, holstered his service pistol shortly after Sergeant Azmy directed the officers to seek cover. Officer Antalek is reminded of the importance of the role of the DCO with regard to maintaining a tactical advantage on a suspect. I will direct this to be a topic of discussion during the Tactical Debrief.

**Crossfire** – The investigation revealed that to establish containment on the incident, Officers Graciano and Estrada parked their police vehicle blocking the intersection of Thornton Court and Speedway Street, as per the request of Officer Concetti. Other officers who were deployed and following Penny were facing west on Thornton Court creating a momentary, potential crossfire situation. Officers Graciano and Estrada identified the potential crossfire issue and tactically redeployed to positions of cover. Officers Graciano and Estrada are reminded of the inherent danger of crossfire situations. I will direct that this be a topic of discussion during the Tactical Debrief.

**Code Six** – The investigation revealed that Sergeant Park and Officers Castro and Gonzalez did not go Code Six upon their arrival at the scene of the back-up request. These personnel responded to the location after other officers had begun to deploy on Penny. According to Sergeant Park, he recalled going Code Six via his MDC upon arrival. According to Officer Castro he recalled going Code Six by voicing it through his hand-held police radio after there was a Code Four. Sergeant Park and Officers Castro and Gonzalez are reminded of the importance of updating their status so that other units will know their location if they need assistance. I will direct that this be a topic of discussion during the Tactical Debrief.

**Shotgun Manipulation** – The investigation revealed that when Officer Castro deployed his Benelli M4 Shotgun, he disengaged the safety and re-engaged the safety of his Benelli M4 Shotgun not intending to shoot. The premature disengagement of the safety can lead to an unintentional discharge of a firearm. Officer Castro is reminded of the importance of proper Benelli M4 Shotgun manipulations during tactical situations. I will direct this topic be discussed during the Tactical Debrief.

**Beanbag Shotgun Manipulations** – The investigation revealed that Officer Spraggins, after discharging one Beanbag round from his Beanbag Shotgun, cycled the action of his Beanbag Shotgun which loaded an additional Beanbag round into the chamber. When directed by Sergeant Azmy to prepare the Beanbag Shotgun for deployment immediately following the OIS, Officer Spraggins cycled the action of the Beanbag Shotgun again, which ejected a live Beanbag round onto the ground. Officer Spraggins is reminded of the importance of proper Beanbag Shotgun manipulations during tactical situations. I will direct this topic be discussed during the Tactical Debrief.

**Tactical Communication** – The investigation revealed that when Officer Robles requested an additional unit, he did not advise the responding units the Penny was armed with a glass bottle or the nature of his request. Officer Robles is reminded of the importance of effective communication during a tactical incident to provide critical basic direction, reduce possible confusion, and improve operational success. I will direct this to be a topic of discussion during the Tactical Debrief.

**TASER Deployment (Canted)** – The investigation revealed that Officer Antalek canted his TASER to the left in an approximate horizontal motion while discharging his TASER. Officer Antalek is to be reminded that the optimal TASER probe spread can only be achieved utilizing the TASER in the correct vertical position for a target that is vertical. I will direct that this be a topic of discussion during the Tactical Debrief.

**Required Equipment** – The FID investigation revealed that Officers Concetti and Spraggins were not carrying Oleoresin Capsicum (OC) Spray on their persons at the time of the incident. The FID investigation revealed that Sergeant Park, along with Officers Concetti, Robles, Lara, and Aziz did not have their side-handle baton or a collapsible baton on their persons at the time of the incident. The sergeant and officers are reminded to be in possession all of their field equipment during incidents to allow for the deployment of multiple force options to respond to the situation. I will direct that this be a topic of discussion during the Tactical Debrief.

## **Command and Control**

*Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.*

*Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).*

*Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).*



*Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Los Angeles Police Department, Supervisor's Field Operations Guide, Volume 2, Emergency Operations Guide).*

It is incumbent upon supervisors at the scene of a critical incident, such as this, to demonstrate and exercise supervision that is consistent with Department supervisory and tactical training.

In this incident, Sergeant Azmy responded, assumed the role of IC and contacted the primary unit, Officers Antalek and Robles. After briefly speaking to Officer Antalek and making an initial assessment of the situation, Sergeant Azmy designated officers as lethal cover, less-lethal cover. Sergeant Azmy observed that a primary contact officer had not been established and immediately took on the role of the primary communicator with Penny.

Sergeant Azmy attempted to gain the voluntary compliance of Penny by verbally communicating with him and attempting to de-escalate the situation. However, Penny's behavior and demeanor were extremely erratic and the ability to verbally communicate with him was hindered by Penny's unpredictable outbursts and movement.

The UOFRB noted that Sergeant Azmy did delegate less-lethal and lethal cover roles and had various options available. Sergeant Azmy also told officers to take cover and attempted to assess the threats to officer safety. However, the UOFRB was critical of Sergeant Azmy decision to assume the role of the primary communicator with Penny for the incident. During the incident, Sergeant Azmy also moved in front of the officers and not utilize the available cover at scene while he attempted to verbally communicate with Penny. By Sergeant Azmy taking on the primary communicator role and moving in front his officers in an effort to maintain communication with Penny who was moving in an erratic manner, his attention and focus were split and he was unable to effectively monitor and keep control of the overall tactical situation. There were sufficient resources and officers at the location to allow for Sergeant Azmy to delegate the primary communications role to another officer to allow Sergeant Azmy to focus on managing the personnel, tactics utilized, and deployed force options.

Though Sergeant Azmy actively directed resources at scene, he did not reassess the positioning of officers, or redeploy the officers to a more tactically advantageous position. These actions were not reasonable and placed the officers in a situation of unnecessary risk. I would have preferred that Sergeant Azmy utilize the Air Unit to provide visual containment on the suspect rather than allowing officers to remain in a position of tactical disadvantage without adequate cover.

Additionally, if further supervisory tasks were necessary, I would have preferred for Sergeant Azmy to delegate those tasks to another supervisor, so he could focus his attention on the positioning and safety of the officers that responded.

As a result, the UOFRB determined, and I concur, Sergeant Azmy's decision to assume the role of the primary communicator with Penny, did not allow him to effectively maintain oversight

and control of the officers that responded to this incident. In addition, Sergeant Azmy took a forward position in front of the officers and began to follow Penny which caused the officers to adjust their positioning and follow after Sergeant Azmy and Penny. By Sergeant Azmy taking on the role of the primary communicator and taking a forward position, he allowed officers to remain in a position of inadequate cover, and subsequently cause officers to be unable to hear his direction to deploy less-lethal munitions. Sergeant Azmy's actions substantially deviated, without justification, from approved Department supervisory training, and thus warranted a Tactics finding of Administrative Disapproval.

Sergeant Park was the second sergeant to respond to the incident. As Sergeant Park observed Officer Spraggins discharge the Beanbag Shotgun and Officer Robles fire the 40mm LLL, he assessed and directed Officer Spraggins and Robles to reload to ensure that Officers Spraggins and Robles had a fully operational less-lethal force option. Sergeant Park developed a tactical plan to take Penny into custody by formulating an arrest team and utilizing the police vehicle as a mobile cover.

The UOFRB deliberated in this matter and acknowledged that Sergeant Park had only been a supervisor for two months at the time of the incident. Although Sergeant Park was limited in tenure, I would have preferred for Sergeant Park to take a more active leadership role and use available resources during the incident. However, due to Sergeant Park's limited experience his actions were consistent with Department supervisory training and my expectations of field supervisor during a critical incident.

Sergeant Ferguson responded to the incident after the OIS had occurred. Sergeant Ferguson coordinated with Sergeant Azmy to identify the officer involved. Sergeant Ferguson monitored Officer Concetti and obtained a PSS. Sergeant Ferguson eventually collected Officer's Concetti's BWV and monitored Officer Concetti until another Sergeant took over monitoring duties.

Sergeant Ferguson's actions were consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

Lieutenant Alonso and Sergeant Stevens arrived after Penny was in custody and started coordinating crime scene efforts and post categorical use of force procedures. Lieutenant Alonso went Code Six and declared himself as the Incident Commander and utilized the established Command Post (CP). Lieutenant Alonso identified the substantially involved officers by the role they took on during the incident, ensured that PSSs were taken from involved personnel, along with the separation and monitoring of personnel. Furthermore, Lieutenant Alonso ensured that there was an inner and out crime scene establish, a crime scene log was established, and evidence were identified and collected at scene. Sergeant Stevens responded with Lieutenant Alonso to the CP. Sergeant Stevens verified that there were outside divisional supervisors responding to the CP to help with separation and monitoring with the involved officers. Sergeant Stevens also assisted in separating, monitoring and obtaining PSSs from involved officers.

The UOFRB noted that Lieutenant Alonso and Sergeant Stevens responded to scene after the OIS had occurred and the tactical situation had concluded. UOFRB determined, and I concur, that Lieutenant Alonso and Sergeant Stevens actions with regard to protocols subsequent to a categorical use of force did not deviate from approved Department supervisory training. Therefore, the actions of Lieutenant Alonso and Sergeant Stevens were overall consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

Sergeants Wechsler, Miller, and Limon, along with Detectives Spitz, Winstanley, and Scallon all responded to the incident. They maintained the separation and monitoring of involved personnel. The actions of Sergeants Wechsler, Miller, and Limon, along with Detectives Spitz, Winstanley, and Scallon were overall consistent with Department supervisory training and my expectations of field supervisors during a critical incident.

### **Tactical Debrief**

In conducting an objective assessment of this case, the UOFRB determined, and I concur that Sergeant Azmy's actions were a substantial deviation, without justification, from Department policy and training, thus requiring a finding of Administrative Disapproval.

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Sergeant Park, along with Officers Concetti, Spraggins, Antalek, Robles, Lara, Aziz, Graciano, and Estrada's tactics did not substantially deviate from approved Department policy and tactical training.

Each tactical incident also merits a comprehensive debriefing. In this case, there were areas identified where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although it was determined that Officer Castro would not receive formal findings, I believe that he would benefit from attending the Tactical Debrief to discuss this multi-faceted incident in its entirety to enhance future performance.

Therefore, I will direct that Sergeants Azmy and Park, along with Officers Concetti, Spraggins, Antalek, Robles, Lara, Aziz, Graciano, Estrada, and Castro attend a Tactical Debrief and that the specific identified topics be discussed.

**Note:** Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;

- Command and Control;
- Lethal Force.

### **General Training Update (GTU)**

On August 28, 2019, Officer Estrada attend a GTU. On August 29, 2019, Sergeants Azmy and Park, along with Officers Antalek, Concetti, Lara, Robles, and Spraggins attended a GTU. All mandatory topics were covered including Tactical Communication, Tactical Planning, and Contact and Cover.

### **Drawing/Exhibiting**

Department policy relative to drawing and exhibiting a firearm is: *"An officer's decision to draw or exhibit a firearm should be based on the tactical situation and the officer's reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified"* (Los Angeles Police Department Manual, Volume No. 1, Section 556.80)

### **Officer Robles**

According to Officer Robles, he observed Penny holding a glass bottle, and acting irate. Officer Robles heard Officer Antalek tell Penny to put the bottle down and to back up. As Penny began to walk towards Officer Antalek, Officer Robles drew his service pistol and held it in a two-handed, low-ready shooting position, with the muzzle pointed in a northwesterly direction, towards Penny. Officer Robles believed that Penny was close enough to Officer Antalek to cause injury if he threw the glass bottle.

Officer Robles recalled,

*"He's holding it towards the subject and he's telling him to stop, put the bottle down, back up. The subject walks towards my partner. And I do remember unholstering at that point. I unholster because I thought the subject is close enough to my partner where he can throw the bottle and cause him injury."*<sup>10</sup>

*"And he – he picked up the bottle over his head, and looking in my direction, and looked like he was about to throw the bottle at me."*<sup>11</sup>

### **Officer Antalek**

According to Officer Antalek, he had activated his TASER in an effort to de-escalate the situation, however it was ineffective against Penny. Officer Robles had deployed the

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<sup>10</sup> Officer Robles, Page 10-11, lines 22-25 and 1-2.

<sup>11</sup> Officer Robles, Page 11, lines 10 – 12.

40mm LLL and Officer Antalek assumed the role of the lethal cover officer. Officer Antalek believed the situation may escalate to the point where deadly force may be justified due to Penny's actions of throwing a box at Officer Robles and being armed with a glass bottle. Officer Antalek drew his service pistol, which he held in his right hand, with the muzzle pointed towards the ground.

Officer Antalek recalled,

*"I believe my decision to unholster was I believe the situation may escalate to a point where deadly force may be justified. "<sup>12</sup>*

*"I had a good cover from that point. My partner had a decent cover, and he had the 40-millimeter out. I told my partner, "Hey, if he comes back towards you, shoot him with a 40-millimeter." I had a good cover. He was probably 10 to 15 feet, but, you know, the TASER was already ineffective. If the 40 was ineffective then, you know, this was the case, he came towards us, you know, with a bottle, tried to hit us, serious bodily injury. "<sup>13</sup>*

### **Officer Spraggins**

According to Officer Spraggins, he observed Penny holding a glass bottle in a raised, overhead position, as if he intended to throw or strike someone with it. Officer Spraggins believed there was a substantial risk and the situation could escalate to the point where deadly force may be justified and drew his service pistol which he held in a two-hand shooting position and pointed the muzzle in a westerly direction toward Penny.

Officer Spraggins recalled,

*"At that point, I unholster my weapon. Based on the tactical situation and my belief that there was a substantial risk and the situation could escalate to the point where deadly force may be justified, I unholstered and started giving commands to the suspect to drop the bottle. "<sup>14</sup>*

*"And he had the bottle in an overhand, or overhead position, almost like he's going to throw it or like a striking position. "<sup>15</sup>*

### **Officer Lara**

A review of BWV by FID investigators determined that after positioning himself behind a wall on the north side of Thornton Court, Officer Lara drew his service pistol. Officer Lara holstered his service pistol when Sergeant Azmy directed Officer Lara to retrieve the Ballistic Shield from the trunk of the police vehicle.

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<sup>12</sup> Officer Antalek, Page 24, lines 15-17.

<sup>13</sup> Officer Antalek, Page 24, lines 18-25 and 1.

<sup>14</sup> Officer Spraggins, Page 9, lines 17-22.

<sup>15</sup> Officer Spraggins, Page 9, line 15-17.

**Note:** Officer Lara did not recall drawing his service pistol at this time.

According to Officer Lara, once he retrieved the Ballistic Shield, he handed the Ballistic Shield to Officer Antalek and drew his service pistol. Officer Lara held his service pistol in a low-ready position with his finger along the frame as Penny was still armed with a glass bottle and pacing back and forth presented an active threat to everyone at scene.

Officer Lara recalled,

*"I observed suspect with a glass bottle in his hand, and I felt that that was a weapon that could cause great bodily injury to myself or others."*<sup>16</sup>

**Note:** According to Officer Lara, he only recalled drawing his service pistol after he handed Officer Antalek the Ballistic Shield.

According to the FID investigation, Officer Lara explained to Sergeant Park, who had just arrived at scene, that Penny was armed with both a broken glass bottle in his right hand and a metal object (slungshot). Officer Lara then holstered his service pistol. A review of BWV revealed that Officer Lara later drew his service pistol and took cover behind a brick wall just east of 40 Thornton Court as Penny, who was still armed with the glass shard and slungshot, started jumping up and down and moved in Sergeant Azmy's direction.

#### **Officer Concetti**

According to Officer Concetti, he observed Penny arm himself with a piece of wood and begin walking towards Sergeant Azmy. Officer Concetti believed Penny may use the wood plank to start hitting them (officers) and the situation may escalate to the point before deadly force may be justified and drew his service pistol.

Officer Concetti recalled,

*"The suspect then shifted his direction towards the other side of the alley, which was where I was standing. As soon as he picked up the wooden piece and started walking towards my sergeant is when I unholstered my weapon due to me believing the situation may arise to the point before deadly force may be justified if he approached them, started hitting them with the wooden plank or wooden piece, whatever the object was."*<sup>17</sup>

*"I assumed the low-ready position just so I don't have- -I mean, I was- -at that point, I didn't feel like I needed to use deadly force, so I was at the low-ready still assessing the situation, which could change at any moment."*<sup>18</sup>

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<sup>16</sup> Officer Spraggins, Page 9, lines 17-22.

<sup>17</sup> Officer Concetti, Page 13, lines 12-19.

<sup>18</sup> Officer Concetti, Page 25, lines 3-7.

### **Officer Graciano**

According to Officer Graciano, while conducting traffic control from his police vehicle he heard two gunshots and a supervisor broadcast a help call over the police radio. Officer Graciano continued to monitor the radio frequency and heard additional information indicating Penny was walking in the direction of where he was conducting traffic control. As Officer Graciano proceeded to tactically redeploy behind a wall he saw that Officer Estrada had deployed a 40mm LLL from their police vehicle. After seeing that his partner deployed the 40mm LLL, Officer Graciano transitioned to lethal to cover my partner as they discussed prior. Officer Graciano unholstered his service pistol because he felt that the situation might escalate to where deadly force could be used due to the possibility of the suspect running in their direction.

Officer Graciano recalled,

*"At that point, I saw that he (Officer Estrada) -- he got the 40-millimeter. And that's when I turned to be -- I unholstered my firearm because I didn't know if the situation was going to escalate to a deadly force. So then he (Officer Estrada) became, as we had already discussed prior, we knew we could transition from less lethal to lethal, so when I saw that he (Officer Estrada) had the beanbag, I transitioned to lethal to cover my partner. The -- he had the 40-millimeter, and I was -- I unholstered. At that point, I relocated and I -- to get a better cover so if the suspect came from our -- from our -- from the alley, we were able to have cover."*<sup>19</sup>

*And at that point, I unholstered, possibly the suspect running our way. And, you know, we didn't know what -- what could happen."*<sup>20</sup>

*The situation might escalate to where deadly force could be used."*<sup>21</sup>

### **Officer Estrada**

According to Officer Estrada, he heard gunfire as well as the broadcast of the sergeant of a help call, shots fired. Officer Estrada then drew his service pistol, based on hearing gunfire and believing the tactical situation may escalate to the point where deadly force may be justified.

Officer Estrada recalled,

*"It was a help call. And the -- the sergeant put out a help call, shots fired, so I didn't know if the suspect was heading my direction or anything."*<sup>22</sup>

*I could see the suspect walking 20 southbound on Thornton towards our direction."*<sup>23</sup>

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<sup>19</sup> Officer Graciano, Page 8 and 9, lines 20-25 and 1-6.

<sup>20</sup> Officer Graciano, Page 25, lines 5-7.

<sup>21</sup> Officer Graciano, Page 25, lines 9-10.

<sup>22</sup> Officer Lara, Page 9, lines 17-24.

<sup>23</sup> Officer Estrada, Page 14, lines 20-21.

The UOFRB conducted an analysis of the circumstances of the incident and the drawing/exhibiting conducted by each officer. In this case of Officers Robles, Antalek, Spraggins, Lara, Concetti the suspect was armed at various times with a bottle, slungshot, and large piece of wood. The officers drew and exhibited their service pistols in response to the suspect's action and demeanor which appeared to be agitated and aggressive, while being armed with an improvised weapon. Officer Graciano was designated as a lethal force cover officer for a less-lethal designated officer while the suspect was armed with an improvised weapon. Officer Estrada heard the sound of gunfire, as well as a broadcast for help, and believed that the situation could escalate to the point where deadly force may be justified.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officers Antalek, Concetti, Estrada, Graciano, Lara, Robles, and Spraggins, while faced with similar circumstances, would reasonably believe that there was a substantial risk that the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Robles, Antalek, Spraggins, Lara, Concetti, Graciano and Estrada's Drawing/Exhibiting to be In-Policy, No Further Action.

#### **Use of Force – General<sup>24</sup>**

*It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

*The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:*

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*

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<sup>24</sup> Special Order No. 4, 2020 – Policy on the Use of Force - Revised, was adopted by the Department on February 5, 2020, after this incident occurred.



- *The risk or apparent attempt by the subject to escape;*
- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

### **Less-Lethal Use of Force**

*It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:*

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

*Whenever practicable, officers shall exercise de-escalation techniques to resolve potential use of force incidents and seek voluntary compliance from suspects/subjects. The courts have held that Less-Lethal force options are "capable of inflicting significant pain and may cause serious injury." Therefore, consistent with the Department's Use of Force Policy, Less-Lethal force options are only permissible when:*

- *An officer reasonably believes the suspect or subject is violently resisting arrest or poses an immediate threat of violence or physical harm.*

*Less-Lethal force options shall not be used for a suspect or subject who is passively resisting or merely failing to comply with commands. Verbal threats of violence or mere non-compliance by a suspect do not alone justify the use of Less-Lethal force.*

*An officer may use the TASER as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

*The optimal range for the TASER is 7-15 feet. This range gives the most effective spread of the probes to accomplish NMI [Neuro-Muscular Incapacitation] (Los Angeles Police*

*Department, Use of Force-Tactics Directive No. 4.5, Electronic Control Device, TASER – July 2018).*

*An officer may use the 40mm Less-Lethal Launcher (40mm LLL) as a reasonable force option to control a suspect when the suspect poses an immediate threat to the safety of the officer or others.*

*The 40mm LLL shall not be used to target the head, neck, face, eyes, or spine unless lethal force is authorized. The minimum recommended deployment range for the 40mm LLL is five feet, while the effective deployment range is up to 110 feet. Officers should always consider weapon retention principles when deploying the 40mm LLL to prevent a subject/suspect from gaining control of the launcher (Los Angeles Police Department Use of Force Tactics Directive No. 17, 40mm Less-Lethal Launcher –July 2018).*

**Officer Antalek** – TASER, one five-second activation in probe-mode.

According to Officer Antalek, he observed Penny, armed with a glass bottle in his right hand, throw a box at Officer Robles. Officer Antalek, believing Penny was going to hit his partner with the glass bottle, aimed the TASER at Penny's naval area and discharged the TASER. The TASER was ineffective against Penny.

Officer Antalek recalled,

*"He then came back at us again towards us and he removed a box from the trash, and he still had the beer bottle in his hand. And from that time he walked towards my partner with a cardboard box. He threw the box at my partner, then backed up a little. He had his hands in his side, beer bottle in his right hand, and I don't know if there's anything in his left hand. But he was about ten to twelve feet and then he began to approach my partner again, so that time I tased him."*<sup>25</sup>

**Officer Spraggins** – Beanbag Shotgun, one Beanbag Supersock round at a distance of approximately 20 feet, aimed at the naval area of Penny in a westerly direction.

According to Officer Spraggins, Penny picked up the wooden board and walked rapidly towards himself and Officers Concetti and Robles. Officer Spraggins observed Penny raise the board above his head as if Penny was going to swing it. Officer Spraggins believed Penny's actions indicated an immediate threat of violence and aimed the Beanbag Shotgun at Penny's navel area. Officer Spraggins fired one Beanbag Supersock round in order to prevent Penny's aggressive approach while Penny was armed with a wooden board.

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<sup>25</sup> Officer Antalek, Page 8-9, lines 23-25, and 1-7.

Officer Spraggins recalled,

*"It was maybe about three feet long. Picks it up, and at this point, walks, rapidly walks over to myself, my partner, and I believe it was Officer Robles by my side. I give -- I give another notification that the beanbag is ready to be fired. The suspect takes the board and he looks like he holds it over his head like he's going to swing. I hear my partner also telling him to stop."*<sup>26</sup>

*"And at that point, based on the -- the subject's actions and the -- the immediate threat of violence, I -- I thought that the suspect needed to be hit with the -- with the beanbag."*<sup>27</sup>

**Officer Robles** – 40mm LLL, one eXact iMPact projectile round from an approximate distance of 16 feet in a westerly direction.

According to Officer Robles, he observed Penny arming himself again with a wood board. Officer Robles also observed Penny was armed with a metal object. Penny was not listening and would not comply with any commands. Officer Robles observed Penny by the wall of a house swinging around the wood board, acting very violently. Penny then made a sudden movement and Officer Robles believed Penny was going to charge the officers with the piece of wood. Officer Robles discharged one round from the 40mm LLL from a standing position towards Penny to prevent Penny, who was armed with a wood board, from charging towards him and other officers and striking them with the board.

Officer Robles recalled,

*"We see him by a -- by the wall of a house, and then there's an empty parking lot of another house. He's again swinging that thing around, and we're thinking, okay -- well, I'm thinking at least like if he gets close, I'm going to have to beanbag him or hit him with the 40. He's acting very violently. Sure enough, he makes a sudden movement where he -- it looks like he's going to charge us (Officers at scene) with the wooden -- with the piece of wood. And I deployed the 40."*<sup>28</sup>

*So I see -- so he goes southbound, and he's behind the house. And he's -- again, he's yelling. He's acting irate. He seems like he's kind of ready to just do something to cause harm, because he had the wood. And to me, he was picking it up, and like he was going to charge us. And then this is what I was thinking. He was going to get it up to charge and then just start swinging. But as soon as he took the step forward, that's when I -- I deployed the 40."*<sup>29</sup>

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer's Antalek's Less-Lethal Use of Force. The UOFRB considered Officer Antalek's discharge of the TASER in this incident. The UOFRB noted Penny was in an extremely agitated

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<sup>26</sup> Officer Spraggins, Page 13, Lines 1-8.

<sup>27</sup> Officer Spraggins, Page 13, Lines 9 – 12.

<sup>28</sup> Officer Robles, Page 14-15, lines 18-25, and 1-2.

<sup>29</sup> Officer Robles, Page 26, lines 5-14.

state, was moving in an erratic manner, and was armed with a glass bottle in close proximity to the officers.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Antalek, while faced with similar circumstances, would believe that the same application of less-lethal force would be objectively reasonable.

Therefore, I find Officer Antalek's Less-Lethal Use of Force (TASER) to be objectively reasonable and In Policy, No Further Action.

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer's Spraggin's Less-Lethal Use of Force. The UOFRB considered Officer Spraggin's discharge of the Beanbag Shotgun in this incident. The UOFRB noted Penny was in an extremely agitated and aggressive state and moving in an erratic manner, while armed with and swinging a wood board and metal object in close proximity to the officers.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Spraggins, while faced with similar circumstances, would believe that the same application of less-lethal force would be objectively reasonable.

Therefore, I find Officer Spraggins' Less-Lethal Use of Force (Beanbag Shotgun) to be objectively reasonable and In Policy, No Further Action.

In this case, the UOFRB conducted a thorough review in evaluating the reasonableness of Officer's Robles' Less-Lethal Use of Force. The UOFRB considered Officer Robles' discharging of the 40mm LLL in this incident. The UOFRB noted Penny was in an extremely agitated and aggressive state and moving in an erratic manner, while armed with and swinging a wood board and metal object in close proximity to the officers.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Robles, while faced with similar circumstances, would believe that the same application of less-lethal force would be objectively reasonable.

Therefore, I find Officer Robles' Less-Lethal Use of Force (40mm LLL) to be objectively reasonable and In Policy, No Further Action.

### **Lethal Use of Force**

*Law enforcement officers are authorized to use deadly force to:*

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*

- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

**Officer Concetti** – 9mm caliber, two rounds, in a westerly direction from an approximate distance of 12 feet.

According to Officer Concetti, Penny was in the middle of the alley, when he observed Penny arm himself with a wooden plank. Officer Concetti perceived the wooden plank to be three to five inches wide, and six feet in length. Penny quickly moved towards Officer Concetti. Officer Concetti drew his service pistol when Penny was approximately 10 to 15 feet away from him. Officer Concetti advised Penny to, "Back off, back off." Penny proceeded to move to a position where he partially used a structure as cover. Observing this behavior by Penny, Officer Concetti stopped, and reassessed the situation. Officer Concetti gave Penny another command to back off, when Penny stated, "No," and took two steps towards Officer Concetti. Officer Concetti determined that Penny was putting all of the officers in danger and fired approximately two rounds in Penny's direction.

Officer Concetti recalled,

*"So once he got the piece of wood, he quickly moved over to my side, and that's when I told him, "Back off, back off." <sup>30</sup>*

*He said, "Fuck," something. I don't know what he said after that. And that's when I stopped, reassessed. He moved a little -- he moved slightly behind the cover. So at that point, I'm thinking, okay, reassess the situation, back off if you can. I told him again, "Back off, back off." <sup>31</sup>*

*And at that point, he said, "No." And that's when he took two steps towards me --*

*-- and left the cover. And he passed the threshold. I determined where if he passes this, he's going to put myself and my officer with holding a beanbag, which he's not going to be able to use deadly force. He's putting us all in danger. <sup>32</sup>*

*We advised him four different times to back off. <sup>33</sup>  
And at that time, that's when I fired approximately two rounds in his direction. <sup>34</sup>*

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<sup>30</sup> Officer Concetti, Page 27, lines 19-21.

<sup>31</sup> Officer Concetti, Page 27-28, lines 22-25, and 1-2.

<sup>32</sup> Officer Concetti, Page 28, lines 3-4 and 6-10.

<sup>33</sup> Officer Concetti, Page 28, lines 12-13.

<sup>34</sup> Officer Concetti, Page 28, lines 15-16.

*My main purpose in using force was to stop the threat.*<sup>35</sup>

*And after using my weapon, I was able to obviously see that it did stop him from advancing towards me.*<sup>36</sup>

In this case, the UOFRB conducted a thorough review of the incident. During their review, the UOFRB took into consideration that the suspect's aggressive and erratic behavior coupled with not complying with commands to disarm himself with his improvised weapons of a slungshot and wooden plank. The officers' were continuously faced with a challenge of limited cover and a suspect who continued to move within the alley. The incident rapidly escalated due to Penny's actions. The UOFRB considered the minimal amount of time Officer Concetti had to make decisions based on the imminent threat posed by Penny to the officers and the surrounding beach community. The UOFRB noted that Officer Concetti articulated his perception of an immediate threat, when Penny, armed with a wooden board, ran towards the direction of Officer Concetti. This action, coupled with the numerous opportunities not taken that were presented to Penny to disarm himself, indicated to the UOFRB that Penny intended to physically harm an officer with the wooden plank.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Concetti, would reasonably believe Penny's actions presented an imminent threat of death or serious bodily injury and that the Use of Lethal Force would be objectively reasonable.

Therefore, I find Officer Concetti's Use of Lethal Force to be In Policy, No Further Action.

### **Additional/Equipment**

**Approved Duty Ammunition** – The FID investigation revealed Officer Concetti's service pistol had been loaded with a mixture of two separate Department approved duty ammunition; eight rounds of Winchester Ranger 9mm ammunition and eight rounds of Speer LE Gold Dot G2, 9mm ammunition. Officer Concetti had two additional magazines that were carried in his magazine pouches at the time of the incident. The first magazine was loaded with seven rounds of Winchester Ranger 9mm and 10 rounds of Speer LE Gold Dot G2, 9mm ammunition. The second magazine was loaded with 17 rounds of Winchester Ranger 9mm ammunition. According to Officer Concetti, the last time he loaded his service pistol was following a qualification cycle at Harbor Range on May 21, 2019. Per Personnel and Training Bureau Notice, 1.12, dated May 7, 2019, once newly approved duty ammunition is issued to an employee, it will then become the only authorized ammunition for their duty weapon. This issue was brought to the attention of Captain S. Embrich, Serial No. 30993, Commanding Officer, Pacific Area, who advised this issue was addressed through the issuance of Employee Comment Sheet, generation of a Supervisory Action Items (SAI), and an informal meeting. The

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<sup>35</sup> Officer Concetti, Page 29, lines 7.

<sup>36</sup> Officer Concetti, Page 29, lines 10-11.

Commanding Officer of Operations – West Bureau (OWB) and the Director of the Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

**Protocols Subsequent to a Categorical Use of Force** – Shortly after the OIS, Sergeant Park, still unaware that an OIS had occurred, picked up the discharged 40mm LLL cartridge case as well as the Beanbag round and discharged Beanbag shotshell. Sergeant Park stated he recovered those items to preserve them as evidence for the supervisor he believed would be completing the Non Categorical Use of Force investigation. At the conclusion of the incident, Sergeant Park spoke with Detective II Jon Winstanley, Serial No. 36702, Pacific Area, who advised Sergeant Park to place the evidence back at the location where he recovered the items from. According to Sergeant Park, he placed the evidence back in their approximate recovery locations. These issues were brought to the attention of Captain Embrich who advised they were addressed through the issuance of a Notice to Correct Deficiencies, generation of a SAI, and an informal meeting. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

**Required Equipment** – The FID investigation determined that Sergeant Park and Officers Robles, Hernandez, Aziz, Lara, Maldonado, and Castro did not have their side-handle baton or a collapsible baton on their persons at the time of the incident. These issues were brought to the attention of Captain Embrich who advised they were addressed through the issuance of an Employee Comment Sheet, generation of SAI, and informal meeting with each officer. Sergeant Park received a Notice to Correct Deficiencies, generation of SAI, and informal meeting. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

**Digital In-Car Video System (DICVS) Activation** – According to Sergeant Park, at the start of his shift, he verified that his DICVS was operating properly. At approximately 1300 hours, Sergeant Park noticed that the DICVS was no longer functioning. Sergeant Park did not replace his police vehicle or have his DICVS repaired and continued on with his work shift. This issue was brought to the attention of Captain Embrich who advised that it was addressed through the issuance of an Employee Comment Sheet, generation of a SAI, and an informal meeting. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

**Body Worn Video (BWV) Activations** – The FID investigation revealed Officer Hernandez had two BWVs related to this incident. The first BWV contained the full two-minute buffer and captured Officer Hernandez responding to Officer Robles' back-up request. The first BWV ends while Officer Hernandez is observed setting up crime scene tape. The second BWV had no buffer and captured Officer Hernandez standing next to another officer who is speaking with a civilian witness.

This issue was brought to the attention of Captain Embrich who advised this deviation was addressed through the generation of a SAI. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officer Hernandez from May 1, 2020 through May 31, 2020, and an inspection of BWVs from December 1, 2019 through December 31, 2019, for compliance with BWV and DICVS policies. The results of the inspection indicated buffering concerns. These identified concerns will be addressed through the issuance of an Employee Comment Sheet.

Sergeant Park did not have a full two-minute buffer of his BWV. Sergeant Park activated his BWV while driving enroute to the back-up request and had a three second buffer. The BWV ends as Sergeant Parks is in the area of the CP.

This issue was brought to the attention of Captain Embrich, who advised these deviations were addressed through the generation of a SAI and through the issuance of a Notice to Correct Deficiencies. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Sergeant Park from May 1, 2020 through May 31, 2020, and an inspection of BWVs from December 1, 2019 through December 31, 2019, for compliance with BWV and DICVS policies. The results of the inspection indicated no late activations or buffering concerns.

Officer Poursaleh did not have a full two-minute buffer of his BWV. Officer Poursaleh had eight BWVs related to this incident. Three of the BWVs contained the full two-minute buffer. Five of Officer Poursaleh's BWVs did not contain the full two-minute buffer and captured him canvassing the crime scene and interviewing multiple civilian witnesses.

This issue was brought to the attention of Captain Embrich who advised these deviations were addressed through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officer Poursaleh from May 1, 2020 through May 31, 2020, and an inspection of BWVs from December 1, 2019 through December 31, 2019, for compliance with BWV and DICVS policies. The results of the inspection indicated no late activations or buffering concerns.

Officer Aziz did not have a full two-minute buffer of his BWV. Officer Aziz activated his BWV while driving enroute to the back-up request and did not have a buffer. The BWV ends as Officer Aziz is standing in the crime scene.

This issue was brought to the attention of Captain Embrich who advised this deviation was addressed through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OWB and the Director of the OO concurred with this action. As such, I deem no further action is necessary.



The Office of Operations conducted a random inspection of BWVs associated to Officer Aziz from May 1, 2020 through May 31, 2020, and an inspection of BWVs from December 1, 2019 through December 31, 2019, for compliance with BWV and DICVS policies. The results of the inspection indicated no late activations or buffering concerns.

Officer Castro did not have a full two-minute buffering of his BWV. Officer Castro had two BWVs related to this incident. Officer Castro's first BWV contained the full two-minute buffer and captured Officer Castro driving enroute to the back-up request. The first BWV ends when confusion occurs about a Code Four broadcast by CD for an unrelated radio call and Officer Castro ends his response. Officer Castro's second BWV contained a 36 second buffer and captured Officer Castro back enroute to the back-up request.

This issue was brought to the attention of Captain Embrich who advised that this was addressed through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officer Castro from May 1, 2020 through May 31, 2020, and an inspection of BWVs from December 1, 2019 through December 31, 2019, for compliance with BWV and DICVS policies. The results of the inspection indicated no late activations or buffering concerns.

Officer Estrada did not have a full two-minute buffering of his BWV. Officer Estrada's BWV captured him responding in his police vehicle to the back-up request and contained a one second buffer. Officer Estrada deactivated his BWV while entering the RA to escort Penny to the hospital.

This issue was brought to the attention of Captain Embrich who advised these deviations were addressed through the issuance of an Employee Comment Sheet and the generation of a SAI. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officer Estrada from May 1, 2020 through May 31, 2020, and an inspection of BWVs from December 1, 2019 through December 31, 2019, for compliance with BWV and DICVS policies. The results of the inspection indicated buffering concerns. These identified concerns will be addressed through the issuance of a Notice to Correct Deficiencies.

Sergeant Ferguson did not have a full two-minute buffering of his BWV. Sergeant Ferguson had two BWVs related to this incident. Sergeant Ferguson's first BWV had a full two-minute buffer and captured him entering his police vehicle and ends while he is at scene, 25 seconds after he first activated. Sergeant Ferguson's second BWV contains a 15 second buffer and begins with Sergeant Ferguson crossing crime scene tape and ends after the PSS with Officer Concetti. In addition Sergeant Ferguson did not direct Officer Concetti to deactivate his BWV prior to taking

a PSS from Officer Concetti, despite Officer Concetti advising Sergeant Ferguson that his BWV was still activated.

This issue was brought to the attention of Captain Embrich, who advised these deviations were addressed through the issuance of an Employee Comment Sheet, generation of a SAI, and an informal meeting. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Sergeant Ferguson from May 1, 2020 through May 31, 2020, and an inspection of BWVs from December 1, 2019 through December 31, 2019, for compliance with BWV and DICVS policies. The results of the inspection indicated no late activations or buffering concerns.

Officer Graciano had a late activation of his BWV. Officer Graciano's BWV contains a full two-minute buffer, but is activated after he arrived at scene and captures Officer Graciano providing traffic control.

This issue was brought to the attention of Captain Embrich, who advised this deviation was addressed through the generation of a SAI. The Commanding Officer of OWB and the Director of the OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWV's associated to Officer Graciano from December 1, 2019 through December 31, 2019 for compliance with BWV and DICVS policies. Officer Graciano did not have any BWV generated from January 1, 2020 through May 31, 2020. The results of the inspection indicated late activation concerns. These identified concerns will be addressed through the issuance of a Notice to Correct Deficiencies.

**Watch Commander's Daily Report** – The FID investigation revealed that the Watch Commander's Daily Report for this incident contained minor deviations regarding the documentation of notifications and the separation and monitoring of officers. The Watch Commander's Daily Report only accounted for the separation and monitoring of the following officers: Officers Concetti, Castro, Gonzalez, Maldonado, Aziz, Spraggins, and Hernandez.

The Watch Commander's Daily Report referenced supervising Detective Spitz, as monitoring a witness officer and one additional officer that utilized less-lethal force; however, these officers' names were not indicated on the Watch Commander's Daily Report. In addition, the Watch Commander's Daily Report only referenced Sergeant Ferguson as having monitored Officer Concetti. The report did not account for the times Detective Winstanley, and Sergeant Limon, monitored Officer Concetti.

The Watch Commander's Daily Report documented that a CUOF occurred; however, it listed the total number of incidents as zero. Additionally, the box for the Department Operations Center (DOC) notification was not checked and there was no name and serial number indicated for who was notified; however, the DOC notification information was documented in the narrative portion of the Watch Commander's Daily Report.

The Watch Commander's Daily Report indicated that Sergeant Wechsler, monitored Officer Spraggins at 2000 hours. Sergeant Wechsler's Sergeant's Daily Report indicated he took over monitoring of Officer Spraggins at 2000 hours from Detective Spitz. However, the Watch Commander's Daily Report did not indicate that Detective Spitz had ever monitored Officer Spraggins, only that Detective Spitz had monitored an officer who used less-lethal force during the incident and also a witnessing officer.

Detective Scallon was assigned to monitor Officer Gonzalez until those monitoring duties were transferred to Sergeant Miller. Detective Scallon was not a supervising detective, nor did he have dual status as a supervisor at the time of this incident. There was no documented explanation for this deviation on the Watch Commander's Daily Report.

These issues were brought to the attention of Captain Embrich. According to Captain Embrich, Lieutenant Joseph Sanchez, Serial No. 25339, Pacific Patrol Division, should have updated the Watch Commander's Daily Report with the correct information. Sergeants Weschsler and Limon, along with Detectives Spitz, Winstanley, and Scallon should have also updated Lieutenant Sanchez of pertinent information. Captain Embrich advised that these issues were addressed through the issuance of Employee Comment Sheets, generation of SAIs, and informal meetings with all of the above listed personnel. The Commanding Officer of OWB and the Director of OO concurred with these actions. As such, I deem no further action is necessary.

**Supervisor's Daily Report** – The FID investigation revealed that a number of the Sergeant's Daily Reports for this incident contained minor deviations regarding the documentation of notifications and the separation and monitoring of officers.

Sergeant Limon's Sergeant's Daily Report indicated he transferred monitoring responsibilities of Officer Concetti to Detective Winstanley at 2359 hours; however, Detective Winstanley's Sergeant's Daily Report did not reflect that he had ever monitored Officer Concetti.

Detective Scallon, was assigned to monitor Officer Gonzalez at 2151 hours until those monitoring duties were transferred to Sergeant Miller, at 2203 hours. Detective Scallon was not a supervising detective, nor did he have dual status as a supervisor at the time of this incident.

Detective Spitz' Sergeant's Daily Report indicated that he monitored Officers Antalek and Spraggins, both of whom used less-lethal force during the incident.<sup>37</sup> The Watch Commander's Daily Report referenced Detective Spitz as monitoring a witnessing officer and one officer who used less-lethal force. None of the additional involved or witnessing officers were mentioned. In addition, Detective Spitz' log did not indicate when he completed his monitoring of Officer Antalek or if that responsibility was transferred to another supervisor.

These issues were brought to the attention of Captain Embrich who advised that these issues were addressed through the issuance of Employee Comment Sheets, generation of SAI, and informal meetings with Sergeant Limon, and Detectives Scallon and Spitz. The Commanding

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<sup>37</sup> Detective Spitz was a detective supervisor at the time of this incident.

Officer of OWB and the Director of OO concurred with these actions. As such, I deem no further action is necessary.

**Profanity** – The investigation revealed that Officer Robles utilized profanity while giving Penny commands to put the glass bottle down. The UOFRB considered the use of profanity and determined the utterance was a single expletive. This issue was brought to the attention of Captain B. Morrison, Serial No. 30789, Commanding Officer, Pacific Patrol Division, who addressed this issue through informal counseling. The Commanding Officer of OWB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

### **Audio/Video Recordings**

**Digital In-Car Video System (DICVS)** – Pacific Area police vehicles equipped with DICVS responded to this incident, resulting in 11 videos. Those videos were reviewed in their entirety by FID investigators. Officers Robles and Antalek's police vehicle captured their arrival at scene and Penny standing near the intersection. Their DICVS audio captured the officers' first verbal communication with Penny. The OIS was not captured on DICVS. Officers Aziz and Southard's police vehicle captured a portion of Penny's actions following the OIS, as well as the arrest team's approach and the apprehension of Penny.

**Body Worn Video (BWV)** – Multiple Pacific Area police personnel equipped with BWV responded to this incident. There were 19 police officers who activated their BWV at some point during this incident. Those videos were reviewed in their entirety by FID investigators.

Officers Antalek and Robles' BWVs captured the initial TASER activation as well the events leading up to the subsequent OIS and NCUOF. Their BWVs also captured the arrest team's approach and apprehension of Penny. Sergeants Azmy and Park, as well as Officers Concetti, Spraggins, and Lara had BWV that captured the OIS, NCUOF, apprehension of Penny and the events leading up to them. Officers Gonzalez, Poursaleh, Hernandez, Maldonado, and Aziz' BWV captured Penny's apprehension.

**Outside Video/Photographs** – The FID investigators identified and obtained the below listed outside videos that captured portions of Penny's behavior and Penny's contact with officers prior to the OIS; however, the videos did not capture the OIS or the NCUOF.

Witness Susser's Ring video system did not record audio but captured video clips of Penny's behavior prior to the officer's arrival and portions of Penny's contact with the police officers

prior to and after the OIS. The OIS and NCUOF were not captured. Witness Lester provided cellular phone video recorded post OIS and three photographs taken by cellular phone of Penny.

Respectfully,




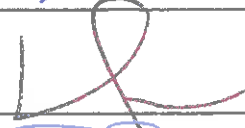
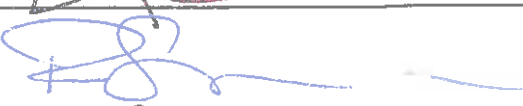

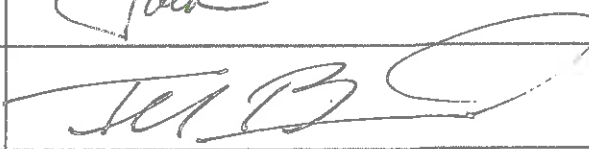

MICHEL R. MOORE  
Chief of Police

Date: 6-3-20

LOS ANGELES POLICE DEPARTMENT  
USE OF FORCE REVIEW BOARD REPORT

INC No. 039-19	CF No.	DR No.
SHOOTING		

REVIEW BOARD INFORMATION

Location of Incident 40 Thornton Court	RD 1412	Date of Incident August 14, 2019	Date and Time of Board Review May 13, 2020 1300 Hours
Chairman Deputy Chief M. Baeza, Serial No. 26624	Signature of Approving Board Members: 		
Member (Office Representative) Commander M. Rimkunas, Serial No. 32211			
Member (Personnel and Training Bureau) Commander R. Flores, Serial No. 30995			
Member (Bureau) Commander C. Palka, Serial No. 25060			
Member (Peer) Sergeant T. Bogart, Serial No. 33096			
Member (Peer) Police Officer M. Flores, Serial No. 40629			
Presenting Commanding Officer Captain B. Morrison, Serial No. 30789			
Notes: <div style="text-align: right;"> RECEIVED JUN 12 2020 OFFICE OF THE INSPECTOR GENERAL </div>			
Additional Considerations: <div style="text-align: right;"> RECEIVED POLICE COMMISSION 2020 JUN -3 PM 2:15 </div>			
Modification to Present Policy, Practices or Training:			
<div style="text-align: right;"> COP Date Signed: 6/3/2020 PC Date Submitted: 6/3/2020 </div>			

Employee (Last Name, First, Middle) Amzy, Sami		Serial No. 40667	Rank/Class Sergeant I	Incident No. 039-19
Length of Employment 8 years, 6 months		Current Division Pacific	Time in Current Division 1 year, 3 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval		<u>Tactics</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Drawing and Exhibiting the Firearm</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Less-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Non-Lethal Use of Force</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<u>Unintentional Discharge</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<u>Other Issues</u> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

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 2020 JUN -3 PM 2:15

**Final Adjudication for Out of Policy/  
Administrative Disapproval Finding**

- ☐ Extensive Retraining  
☐ Notice to Correct Deficiencies  
☐ Personnel Complaint

☐ Employee's Work History Reviewed

Notes:

**\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

<b>Employee (Last Name, First, Middle)</b> Park, Lawrence		<b>Serial No.</b> 38015	<b>Rank/Class</b> Sergeant I	<b>Incident No.</b> 039-19
<b>Length of Employment</b> 13 years, 4 months		<b>Current Division</b> Pacific		<b>Time in Current Division</b> 0 years, 1 month
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b><u>Drawing and Exhibiting the Firearm</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Drawing and Exhibiting the Firearm</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Drawing and Exhibiting the Firearm</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Other Issues</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes:				
<b><u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u></b> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

**\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**



<b>Employee (Last Name, First, Middle)</b> Concetti, Jonathan		<b>Serial No.</b> 42332	<b>Rank/Class</b> Police Officer II	<b>Incident No.</b> 039-19
<b>Length of Employment</b> 3 years, 8 months		<b>Current Division</b> Southeast		<b>Time in Current Division</b> 2 years, 1 month
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Lethal Use of Force</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Lethal Use of Force</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Lethal Use of Force</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Other Issues</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

**Final Adjudication for Out of Policy/  
Administrative Disapproval Finding**

- ☐ Extensive Retraining  
☐ Notice to Correct Deficiencies  
☐ Personnel Complaint

☐ Employee's Work History Reviewed

Notes:

**\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**



<b>Employee (Last Name, First, Middle)</b> Lara, Miguel		<b>Serial No.</b> 42238	<b>Rank/Class</b> Police Officer II	<b>Incident No.</b> 039-19
<b>Length of Employment</b> 3 years, 11 months		<b>Current Division</b> Pacific	<b>Time in Current Division</b> 1 year, 9 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Other Issues</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Notes:				
<b><u>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</u></b> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.



<b>Employee (Last Name, First, Middle)</b> Robles, Antonio		<b>Serial No.</b> 43260	<b>Rank/Class</b> Police Officer II	<b>Incident No.</b> 039-19
<b>Length of Employment</b> 1 year, 10 months		<b>Current Division</b> Hollenbeck	<b>Time in Current Division</b> 4 weeks, 1 day	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

**Final Adjudication for Out of Policy/  
Administrative Disapproval Finding**

- ☐ Extensive Retraining  
☐ Notice to Correct Deficiencies  
☐ Personnel Complaint

☐ Employee's Work History Reviewed

Notes:

**\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

<b>Employee (Last Name, First, Middle)</b> Graciano, Sergio		<b>Serial No.</b> 42116	<b>Rank/Class</b> Police Officer II	<b>Incident No.</b> 039-19
<b>Length of Employment</b> 4 years, 1 month		<b>Current Division</b> Pacific	<b>Time in Current Division</b> 2 years, 6 month	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>	<b>Police Commission</b>	
<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<b><u>Tactics</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Drawing and Exhibiting the Firearm</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b><u>Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Less-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Non-Lethal Use of Force</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<b><u>Unintentional Discharge</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b><u>Other Issues</u></b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b><u>Other Issues</u></b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	

**Final Adjudication for Out of Policy/  
Administrative Disapproval Finding**

☐ Extensive Retraining

☐ Notice to Correct Deficiencies

☐ Personnel Complaint

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☐ Employee's Work History Reviewed

**\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

<b>Employee (Last Name, First, Middle)</b> Estrada, Jorge		<b>Serial No.</b> 39492	<b>Rank/Class</b> Police Officer II	<b>Incident No.</b> 039-19
<b>Length of Employment</b> 11 years, 1 month		<b>Current Division</b> Pacific	<b>Time in Current Division</b> 2 years, 0 month	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>		<b>Police Commission</b>
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes:

**Final Adjudication for Out of Policy/  
Administrative Disapproval Finding**

- ☐ Extensive Retraining  
☐ Notice to Correct Deficiencies  
☐ Personnel Complaint  
☐ Employee's Work History Reviewed

Notes:

**\*A Tactical Debrief shall be conducted for all Categorical Use of Force incidents.**

<b>Employee (Last Name, First, Middle)</b> Aziz, Amjad		<b>Serial No.</b> 40850	<b>Rank/Class</b> Police Officer II	<b>Incident No.</b> 039-19
<b>Length of Employment</b> 7 years, 11 months		<b>Current Division</b> Pacific	<b>Time in Current Division</b> 4 years, 4 months	
<b>Use of Force Review Board</b>		<b>Chief of Police</b>	<b>Police Commission</b>	
<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval		<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	<b>Tactics</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Drawing and Exhibiting the Firearm</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Less-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Non-Lethal Use of Force</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	<b>Unintentional Discharge</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		<b>Other Issues</b> <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	<b>Other Issues</b> <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Notes:				
<b>Final Adjudication for Out of Policy/ Administrative Disapproval Finding</b> <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed		Notes:		

\*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.